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APPENDIX

TO THE



LEGISLATIVE JOURNAL

SESSION OF 1959

APPENDIX

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APPENDIX

TO THE

LEGISLATIVE JOURNAL

SESSION OF 1959

REASONS FOR PARDONS GRANTED BY GOVERNOR

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, January 6, 1959.
To the Honorable, the House of Representatives of the
Commonwealth of Pennsylvania:

I have the honor to present herewith the reasons for
pardons and commutations granted by me from January
1, 1957 to date.

GEORGE M. LEADER.

BOARD OF PARDONS

In re application of Nicholas Barnett, 4166-A, No. A-3881,
December Session, 1956.
To His Excellency, the Governor of the Commonwealth
of Pennsylvania:

Sir: The above application having been heard, upon due
public notice, in open session, the undersigned members
of the Board of Pardons recommended that the maximum
sentence of Nicholas Barnett, convicted of burglary, lar-
ceny of auto in the Court of Quarter Sessions of Delaware
County on March 16, 1943, computed from February 17,
1943 be commuted from 20 years to 14 years 2 months
expiring on April 17, 1957.

Our reasons for making this recommendation are as
follows:

The Board of Parole has received a request from the
applicant to be relieved of further parole supervision on
the basis of his adjustment and progress on parole. The
Board of Parole has favorably recommended this action
to the Board of Pardons after reviewing his record. But
for this action the applicant, because of his sentence,
would remain on parole until February 17, 1963.

For the reason that this applicant has served a long time
on parole, and the further reason, that the Board of Parole
recommends him for release, the Board of Pardons rec-
ommends to your Excellency that the term of the maxi-
mum sentence of the applicant be commuted and that
he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) HENRY E. HARNER,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Bell, C-1208, No. A-3258, De-
cember Session, 1956.
To His Excellency, the Governor of the Commonwealth
of Pennsylvania:

Sir: The above application having been heard, upon due
public notice, in open session, the undersigned members
of the Board of Pardons recommend that the minimum
sentence of John Bell, convicted of assault with intent
to rob; aggravated assault and battery; armed robbery
in the Court of Oyer and Terminer and Quarter Sessions
Allegheny County on October 17, 1949, computed from
June 9, 1951 be commuted from 10 years to 5 years, 8
months, 10 days expiring on February 19, 1957.

Our reasons for making this recommendation are as
follows:

The applicant is thirty-eight years of age. The facts of
the crime are briefly that the applicant was first sentenced
for assault and battery with intent to commit sodomy for
from 2 to 4 years, and while in the Penitentiary was
tried and convicted of the above crime and sentenced.

During his incarceration the penitentiary reports that
this applicant has maintained an excellent prison record
and has, during the years of his incarceration, kept in
constant contact with his family and has sent them a
considerable portion of his earnings. The penitentiary staff
feels that his crimes were more the result of his mal-
adjustment than of any criminal tendencies.

The trial judge, the Honorable Thomas Marshall, stated
to the Parole Investigator he had no objection, and
the District Attorney of Allegheny County, however, ex-
pressed opposition to release.

The applicant has been continuously confined since
1949, and the Board believes that he has been sufficiently
punished, and in addition, has demonstrated that he is
ready for release. The Board is assured that he has a
good parole program and certainly he will have the
loyal support of wife and family to help him over the
difficult period of adjustment. The Board, therefore, rec-
ommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN—Dissents.
Lieutenant-Governor.
(Sgd) HENRY E. HARNER,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Duboy, 7104, No. 555, Decem-
ber Session, 1957.

To His Excellency, the Governor of the Commonwealth
of Pennsylvania:

Sir: The above application having been heard, upon due
public notice, in open session, the undersigned members
of the Board of Pardons recommended that the maximum
sentence of John Duboy, convicted of breaking prison
and escape, assault with intent to rob, robbery, entering a
building with intent to commit a felony in the Court of

Oyer and Terminer and Quarter Sessions of Fayette County on June 21, 1937 be commuted from 42 years to 19 years 10 months expiring on April 21, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until June 5, 1970.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) HENRY E. HARNER,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Louis Eskra, 9804-C, No. 6294, December Session, 1956.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Louis Eskra, convicted of robbery, receiving stolen goods and attempted robbery in the Court of Oyer and Terminer of Allegheny County on October 24, 1930, computed from May 23, 1946 be commuted from 80 years to 10 years, 11 months, expiring on April 23, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until May, 23, 1966.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) HENRY E. HARNER,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Leo Robert Highley, 4218-C, No. 8046, December Session, 1956.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Leo Robert Highley, convicted of burglary and larceny in the Court of Oyer and Terminer of Crawford County on February 28, 1944 be commuted from 20 years to 13 years, 2 months, expiring on April 28, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until February 28, 1964.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) HENRY E. HARNER,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Carroll Jackson, B-2036, No. A-2612, December Session, 1956.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Carroll Jackson, convicted of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on May 16, 1930 be commuted from life imprisonment to 26 years, 9 months, 10 days expiring on February 26, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty-seven years of age. He, together with several others, was involved in holding up a "pick-up" man for a numbers ring and in the struggle which took place the victim was shot and killed. All of the other five persons involved in this crime have been released, either by the expiration of their minimum sentence, or have had their sentences commuted.

The penitentiary staff states that they favor clemency in view of the applicant's length of time served of over twenty-six years, his excellent record in the institution for the past eleven years, and his lack of a prior criminal record.

The trial judge is deceased. However, the President Judge, the Honorable William H. McNaugher, wrote the Board that he had no objection to the release of this applicant.

The Board feels that since this applicant has served well over twenty-six years of his life sentence, and since he has demonstrated during that lengthy period, qualities of

industry and stability that will help him adjust himself to society. He has learned the shoe making trade. The Board, and the prison staff, have confidence in his rehabilitation. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) HENRY E. HARNER,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Willie Jones, B-7554, No. 6078, December Session, 1956.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Willie Jones, convicted of murder in the first degree of the Court of Oyer and Terminer of Allegheny County on February 7, 1941 be commuted from life imprisonment to 16 years, 20 days expiring on February 27, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty-one years of age. It appears that a person entered a store in a Pittsburgh area and held up the place at a point of gun. When the wife of the proprietor screamed, the applicant fled. In the pursuit of the criminal, the applicant is alleged to have shot and killed one of the pursuers. The applicant denied his guilt and at the trial a jury found him guilty, although the proprietor of the store was unable to positively identify the applicant as the robber, although he saw the robber twice that same day.

The Board has on file a letter from Mr. Louis Menzer, dated May 17, 1956, the proprietor of the store in which the applicant was alleged to have entered, which states: "I know that I shall never forget the face of that man (the hold-up man) and I am positive that James Rankin (alias Willie Jones) is not that man."

The trial judge is deceased, and the President Judge, the Honorable William H. McNaugher, is not familiar with the facts in the case, and, therefore, has no comment to make. The district attorney stated he was opposed.

The penitentiary staff reports the applicant has an excellent record. They favor clemency, as the applicant has served over fifteen years of his sentence.

The Board feels that since the man who had the best opportunity of seeing the person who was involved in this killing, and since this man positively states that the applicant was "not the person" involved in this attempted hold-up, the question is a serious one involving deprivation of the liberty of a citizen of this country. The Board is of the opinion this applicant will adjust himself and will be a law-abiding citizen, and, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) HENRY E. HARNER,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of George T. Kemnitzer, 5853-C, No. 5595, December Session, 1956.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of George T. Kemnitzer, convicted of burglary and larceny in the Court of Quarter Sessions of Crawford County on May 27, 1940, computed from same date be commuted from 20 years to 16 years 11 months expiring on April 27, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until May 27, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) HENRY E. HARNER,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Lewis, 4916-D, No. A-3912, December Session, 1956.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of James Lewis, convicted of robbery in the Court of Quarter Sessions of Dauphin County on February 5, 1945, computed from January 6, 1945 be commuted from 15 years to 12 years, 4 months expiring on May 6, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until January 6, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,
 (Sgd) ROY E. FURMAN,
 Lieutenant-Governor.
 (Sgd) HENRY E. HARNER,
 Secretary of the Commonwealth.
 (Sgd) THOMAS D. McBRIDE,
 Attorney General.
 (Sgd) GENEVIEVE BLATT,
 Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
 Governor.

BOARD OF PARDONS

In re application of Andrew Minarich, No. A-3907, December Session, 1956.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Andrew Minarich, convicted of burglary, receiving stolen goods, larceny, operating a motor vehicle without the consent of the owner in the Court of Quarter Sessions of Allegheny County, on April 24, 1944 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is thirty-two years of age. The applicant was placed on probation for a period of three years. The facts of his crime are briefly that the applicant, with two accomplices, broke into a store and into a tavern, stealing both money and merchandise. The applicant was only twenty years old at the time of the offense. Since that time the applicant has not been involved in any offenses.

The trial judge, the Honorable John J. Kennedy, states he will rely upon the Board, and the district attorney stated to the Board that he was not opposed.

The applicant has been steadily employed since this offense, and is at present connected with the Duquesne Brewing Company. He is likewise active in the Air Force Reserve and desires to advance in the Air Corps but is prevented from being appointed to the commissioned rank by reason of his offense of twelve years ago. In order for him to advance in the Air Force it is necessary that he be pardoned for this juvenile crime.

The Board, believing that this applicant will not again offend against the laws of society, having conducted himself as a good citizen for the past thirteen years, and feeling further that he should be given an opportunity to advance himself in the Air Corps, recommends that a pardon be granted.

Respectfully submitted,
 (Sgd) ROY E. FURMAN,
 Lieutenant-Governor.
 (Sgd) HENRY E. HARNER,
 Secretary of the Commonwealth.
 (Sgd) THOMAS D. McBRIDE,
 Attorney General.
 (Sgd) GENEVIEVE BLATT,
 Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
 Governor.

BOARD OF PARDONS

In re application of Eugene Organ, D-3447, No. 9624, December Session, 1956.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommend that the minimum sentence of Eugene Organ, convicted of murder in the first degree in the Court of Oyer and Terminer of Philadelphia County on September 29, 1938 be commuted from life imprisonment to 18 years, 4 month, 29 days expiring on February 28, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-nine years of age. The facts of the crime briefly are that the applicant, and his accomplice, Joseph Burns, were holding up gas stations. The attendant was followed home and in his driveway, the applicant and accomplice held him up. In the struggle to gain possession of a revolver in the hands of the applicant, the gun exploded, killing the attendant in his home driveway.

The applicant, since his incarceration, has been a very satisfactory inmate. The penitentiary staff reports that his attitude and adjustment has always been exceptional, and they classify him as outstanding. The staff further reports that he is now mature and shows a favorable change in his basic personality. The entire staff feels that he is industrious and shows a favorable change in his attitude. He has an excellent record in every respect and the staff recommends clemency.

One of the sentencing judges, the Honorable Gerlad F. Flood, states that he saw no reason to commute the sentence. The other sentencing judge, the Honorable James C. Crumlish, is in favor of clemency. The district attorney is not opposed, stating that this man is ready for release.

The accomplice's sentence was commuted, and he has conducted himself as a law-abiding citizen since his release. The Board believes that the applicant will likewise prove to be a good citizen and will not again come into conflict with the law. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
 Lieutenant-Governor.
 (Sgd) HENRY E. HARNER,
 Secretary of the Commonwealth.
 (Sgd) THOMAS D. McBRIDE,
 Attorney General.
 (Sgd) GENEVIEVE BLATT,
 Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
 Governor.

BOARD OF PARDONS

In re application of Pharoah Rains, 7827-C, No. 3307, December Session, 1956.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Pharoah Rains, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on December 3, 1926 be commuted from life imprisonment to 30 years, 5 months expiring on May 3, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until end of life.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) HENRY E. HARNER,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Robert E. Rohrbach, E-2930, No. A-3963, December Session, 1956.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommends that the minimum sentence of Robert E. Rohrbach, convicted of burglary, in the Court of Dauphin County, Oyer and Terminer, on January 16, 1952, computed from March 31, 1952, be commuted from 6 years to 5 years, 1 month, 10 days expiring on February 26, 1957, and further recommend that the maximum sentence of Robert E. Rohrbach, convicted of burglary in the Court of Oyer and Terminer of Perry County on July 26, 1956, be commuted from 2 years to 7 months, expiring on February 26, 1957.

Our reasons for making this recommendation are as follows:

This applicant is twenty-eight years of age. He burglarized a number of gas stations in Dauphin, Cumberland and Perry Counties. He received concurrent sentences for the Perry and Dauphin County offenses and the Cumberland County sentence was nolle prossed.

Since his incarceration the penitentiary staff reports that this applicant has made a good adjustment and has attempted self-improvement by enrolling in various school courses.

The trial judge of Dauphin County, the Honorable Paul G. Smith, stated that he would rely upon any decision that the Board would make. The district attorney of Dauphin County stated that he has information that the applicant has a good institutional record and, therefore, he is not opposed to the granting of clemency. We have no report from the Perry County Judge or district attorney.

The report that the Board had before it at the hearing, indicated that the applicant is considered a conscientious worker and appears to have a wholesome attitude towards the future.

Although the applicant had a minor juvenile record the Board is of the opinion that he has been rehabilitated sufficiently to be released, having learned a lesson in behaviour. The Board further believes that he will conduct himself as a law-abiding citizen in the future. The applicant will have spent more than two-thirds of his minimum sentence by the time of his release. The Board recommends his sentences be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) HENRY E. HARNER,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Frank H. Schumann, No. A-3887, December Session, 1956.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Frank H. Schumann, convicted of Poolselling and bookmaking in the Court of Quarter Sessions of Philadelphia County, on October 24, 1941 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is sixty-four years of age. In 1941, he was arrested for the crime of poolselling and bookmaking and received a suspended sentence. Since 1941 he has not been involved in any serious crime although he was arrested for interfering with an officer and for making threats. He was discharged on both counts.

This applicant is a retired restaurant owner and presently resides in the State of New Jersey. All reports indicate that he bears an excellent reputation in his neighborhood.

The applicant is desirous of becoming employed by the New Jersey Racing Association and in order to become eligible for membership, he must have his record cleared of any offense.

The trial judge, the Honorable Joseph Tumillo, is no longer on the bench. However, we do have a letter from the Chief Magistrate of Philadelphia County on behalf of the applicant, indicating his high regard for him as a reputable business man and friend. The district attorney does not oppose the granting of pardon.

The Board believes that this applicant, who has maintained a good record for the past fifteen years, and who desires to advance himself, should be extended the mercy of the Commonwealth, and, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) HENRY E. HARNER,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John R. Thomas, 5574-D, No. 3536, December Session, 1956.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of John R. Thomas, convicted of rape and armed robbery in the Court of Oyer and Terminer of Allegheny County on October 2, 1939, computed from June 15, 1939, be commuted from 30 years to 17 years 11 months, expiring on May 15, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until November 15, 1971.

For the reason that this applicant has served a long

time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) HENRY E. HARNER,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William M. Towers, 78055, No. A-3908, December Session, 1956.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William M. Towers, convicted of armed robbery in the Court of Oyer and Terminer of Allegheny County on December 2, 1955, computed from November 11, 1955 be commuted from 1½ years to 1 year 3 months 20 days expiring on March 1, 1957.

Our reasons for making this recommendation are as follows:

This applicant is twenty-one years of age. The facts of the crime briefly are that the applicant, and two accomplices, all members of the United States Army at the time, held up and robbed a gas station. The following day they held up a pedestrian and robbed him of a sum of money.

The report of the prison is that the applicant's work has been generally satisfactory and that he appears to be "frank and candid and not to gloss or evade. He does not impress as being of criminal tendencies." The Work Supervisor at the prison states "he is worthy of a trial by release."

We have on file numerous letters from responsible persons in and around Federalsburg, Maryland, who are acquainted with the young man and his family, attesting to his excellent standing in that community. The family own and operate a dairy farm close to that town and the applicant is needed at home to operate this farm.

The trial judge, the Honorable Thomas M. Marshall, recommends favorable consideration in view of the pressing need of the applicant's family in operating the dairy farm. The district attorney stated he had no objection to the granting of clemency.

In view of the circumstances of the family, and the need of the young man to help on the farm, the Board is recommending that he be released on or about the first of March 1957 so that he can be of assistance in the Spring work. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) HENRY E. HARNER,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

in re application of Arthur Ward, C-8655, No. 7885, December Session, 1956.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Arthur Ward, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on February 6, 1933 be commuted from life imprisonment to 24 years, 20 days, expiring on February 26, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty-seven years of age. The facts of the crime are that the applicant had been arrested by a police officer, and when it was found that a loaded revolver was in his possession, the arresting officer placed claw handcuffs on him and pulled them very taut. While on the way to the call box the applicant drew a concealed revolver from his cap and shot the officer. In the excitement that followed the applicant also wrested the gun from the officer. The officer died later.

Since his incarceration the applicant has maintained a very excellent institutional record. The penitentiary reports he appears more mature, more stable, and has acquired a habit of thrift, as demonstrated by his savings account. The applicant has learned a plumbing trade and is now a competent pipe fitter. The Board has been advised that the entire staff feels that clemency can well be extended.

The trial judge is deceased. Mr. Reed, from the district attorney's office, stated to the Board that the time has come for the applicant to be released and he recommended clemency without reservation.

The Board is of the opinion that this man, if released, will conduct himself as a law-abiding citizen and that his institutional training will fit him to promptly obtain gainful employment, and that he will, in every way, prove to be a good member of society. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) HENRY E. HARNER,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Curtis Wickham, E-5484, No. A-3896, December Session, 1956.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Curtis Wickham, convicted of burglary in the Court of Oyer and Terminer of Lackawanna County on April 6, 1955, computed from March 7, 1955, be commuted from 3 years to 2 years, expiring on March 7, 1957.

Our reasons for making this recommendation are as follows:

This applicant is fifty-four years of age. The applicant, and his accomplice, broke into a Diner, and later a Tavern, and stole cash and merchandise. They plead not guilty but were sentenced as aforesaid.

The applicant had no prior criminal record, although he had an arrest in 1933 for burglary and was discharged.

The trial judge, the Honorable Michael J. Eagen, was interviewed by Board of Parole Investigator, and stated that he left the matter in the hands of the Board of Pardons. The Board has received no indication of the attitude of the district attorney of Lackawanna County.

The staff at the penitentiary reports that this applicant has an excellent record, is cooperative and has a fine attitude toward the prison authorities.

The Board of Pardons, on the basis of the institutional report, believes that this man does not possess criminal tendencies and has learned a sufficient lesson to have him avoid any further violation of the law. The Board, therefore, recommends that his sentence be commuted at the expiration of two years.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) HENRY E. HARNER,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Asalsky, B-6120, No. 6670, January Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Joseph Asalsky, convicted of Murder in the First Degree in the Court of Oyer and Terminer and Quarter Sessions of Allegheny County on May 25, 1938 be commuted from life imprisonment to 18 years, 10 months, expiring on March 25, 1957.

Our reasons for making this recommendation are as follows:

This applicant is _____ years of age. Briefly the facts of this crime are that the applicant was living in the home of the deceased as a boarder. Coming home one day, after some drinking in a taproom, he went into the bath room of the lodging house and when he came out he ran into the daughter of the owner of the place. Without further ado, he fired several shots at the girl and killed her. The killing was unexplainable, as the parties were on friendly terms and no arguments or disturbance had ever arisen between them.

The trial judge, the Honorable J. Frank Graff, wrote the Board that he would be satisfied with any action that the Board sees fit to take in this case. The District Attorney of Allegheny County states that he was not opposed to the granting of commutation.

The staff at the penitentiary state that this applicant has a perfect disciplinary record and although the tasks have been menial ones over the years he has always performed the work assigned to him to the very best of his ability. During his incarceration this applicant has learned to read and write the English language. He entered an illiterate and now shows an educational age of eight and a grade average of three.

The Board believes that this applicant will not again offend the laws of society and that he will conduct himself in a satisfactory manner in the future. The Board believes that this applicant, who has served over eighteen years of his life, should be released so that he may conclude his life in freedom, and, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Mary Jane Bewick, No. A-3938, January Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Mary Jane Bewick, who plead guilty to prostitution and assignation in the Court of Quarter Sessions of Allegheny County, on June 7, 1950 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is twenty-seven years of age. Briefly, the offense consisted of going to the home of a girl friend, where the pair meet two men. One of the men offered the applicant twenty-five dollars. Upon her accepting the money, the man disclosed that he was a police officer from the vice squad and placed her under arrest.

The trial judge, the Honorable Thomas Marshall, advised the Parole Investigator that he was in favor of commutation. The District Attorney stated to the Board, through his representative, that he was not opposed to the granting of a pardon.

The applicant has not been involved in any criminal offenses prior to, or since, the offense occurred, and she is now leading a satisfactory life. She is employed by a food market at a good salary. She is also engaged to be married and desires that her record be clear.

The Board is of the opinion that this young woman, who made a mistake in her early life, should not be further punished in her attempt to establish herself in society, and, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Francis Brookman, B-6005, No. A-3956, January Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Francis Brookman, convicted of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on March 22, 1938, computed from November 25,

1937, be commuted from life imprisonment to 19 years, 4 months, expiring on March 25, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty-one years of age. Briefly the facts of this crime consist of shooting by the applicant of both his mother and her paramour. The applicant had been abandoned by his mother at a very early age and he lived with various relatives in a Pittsburgh area. He first heard from his mother in 1936, when he received a Christmas card from her. He visited her and then discovered her meretricious relationship. In the Spring of 1937 he again called on his mother at which time he was intoxicated and became engaged in an argument with his mother over her relationship, which concluded with his firing a revolver and killing her. Just about that time the paramour of his mother entered the room and the applicant shot him and killed him. He fled the jurisdiction but in about five month's time he came back to Pittsburgh and gave himself up to the police.

The trial judge, the Honorable William H. McNaugher, had an investigation made of the case and after receiving a report from the District Attorney, he stated: "I now have no objection to the granting, of commutation." The office of the District Attorney conducted the investigation and the representative stated to the Board that he was not opposed to the granting of commutation.

This applicant has served over nineteen years of his sentence, and the staff reports that he has improved his education during confinement and shows no deep-seated criminal tendencies. He is essentially a first offender and his institutional record has been excellent. He has learned a trade of shoe repairing and it is felt that this trade will help him in becoming adjusted to society. He has become much interested in Bible study and hopes to continue in that work if released.

The Board believes that the offense this man committed years ago was a crime of passion, which he is not likely to repeat in the future. The Board is confident that if released he will adjust himself to society and become a good member thereof. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles Broy, B-9706, No. 7928,
January Session, 1957.

To His Excellency, the Governor of the Commonwealth
of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Charles Broy, convicted of robbery; rape, assault with intent to rape in the Court of Oyer and Terminer and Quarter Sessions of Dauphin County on May 31, 1940, computed from May 6, 1940 be commuted from 20 years, to 16 years, 10 months, 10 days, expiring on March 16, 1957.

Our reasons for making this recommendation are as follows:

This applicant is fifty-five years of age. Briefly the facts of the offense are that the applicant, with three men and one woman, were involved in assault with intent to rape.

The act of robbery was incidental to this attack. The entire group had been drinking previous to the crime.

The applicant was released on parole in 1950, and has been under the supervision of the Board of Parole for six and one-half years. The applicant has been regularly employed by the Manbeck Baking Company of Harrisburg.

The trial judge is deceased. However, the Board has a letter from Judge William H. Neely, stating he would rely upon the Board. The District Attorney of Dauphin County stated that he was not opposed to the granting of commutation of maximum sentence as he has demonstrated good behaviour for the past six and one-half years.

The Board of Parole also states in writing that they are willing to have this applicant released from parole supervision. In fact, the Board of Parole was ready to make the recommendation to the Board of Pardons for release, but delayed doing so on account of the application filed.

The Board believes that this applicant has demonstrated by his good behavior for the past six and one-half years that he will not again offend against society, and, therefore, the Board recommends his maximum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. MCBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Nicholas Caras, No. A-3302, January Session, 1957.

To His Excellency, the Governor of the Commonwealth
of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Nicholas Caras, convicted of fornication in the Court of Quarter Sessions of Delaware County, on June 15, 1955 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is twenty-one years of age. The facts of the case are briefly that the applicant was, and still is, a student in the Pennsylvania Military College, where he met a girl on the campus and accompanied her into the dormitory, where they had intercourse. At the time of this act the girl was under sixteen years of age, although she appeared to be much older. At the hearing it was indicated that the girl had a poor reputation for chastity.

The applicant, by reason of his conviction of this offense, lost the opportunity of becoming an officer in the United States Army and he is quite anxious that this offense should not be a bar to his advancement.

The trial judge, the Honorable William R. Toal, stated: "I am of the opinion that Nicholas Caras should be given every opportunity to accomplish his purpose of becoming an Officer in the United States Army and for this reason he should be granted a pardon." Likewise, the district attorney of Delaware County wrote the Board that he had no objection to favorable consideration to the plea.

The Board is in receipt of a letter from Major General E. E. MacMorland, President of the Pennsylvania Military College, stating: "I understand he is seeking a pardon and recommend that his application be approved. I feel sure that he has learned a lesson which will keep him straight for the rest of his life." The Board also has a letter from Lieutenant Colonel Max P. Young, of the Office-Professor of Military Science and Tactics of the Pennsylvania Military College, stating: "I understand that he is seeking a pardon and recommend that his application be approved. I feel sure that he has learned a lesson which will keep him straight for the rest of his life."

tary College, recommending the applicant very highly. Clarence R. Moll, Vice-President and Dean of Student Personnel testified to the good character of this young man.

The Board, sympathetic with the position of the applicant, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Robert E. Chatman, D-5663, No. A-3405, January Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Robert E. Chatman, convicted of murder in the first degree in the Court of Oyer and Terminer, and Quarter Sessions of Dauphin County on March 27, 1941 be commuted from life imprisonment to 16 years expiring on March 27, 1957.

Our reasons for making this recommendation are as follows:

This applicant is fifty-two years old. Briefly the facts of the crime are that the applicant, under the influence of liquor, in a bar located in Steelton, Pennsylvania, was attempting to quiet another customer, who was using foul language and was in an ugly mood. The applicant left the bar but returned armed with a shot gun. In the second attempt to pacify the victim a quarrel ensued and the applicant shot and killed the victim.

The trial judge is deceased. However, Judge William H. Neely wrote to the Board that he had discussed the case with the former District Attorney of Dauphin County and the fact was expressed that the defendant has been sufficiently punished. The Judge stated "Under all the circumstances we leave the matter to the sound discretion of the Board." The present District Attorney, Huette Dowling, stated to the Board that the applicant was not drunk at the time of the killing and he was opposed to the granting of clemency.

The staff at the penitentiary states that he has established an excellent institutional record by his willingness to perform duties in a helpful manner. He is more mature and shows good control of himself. All reports are most favorable.

The Board has carefully considered this application in view of the fact that the applicant had a honor record, and the fact that Judge Neely raised the question that would indicate there is some question as to the degree of murder. The Board believes that this man, who has now reached middle age, will not again offend, and believes that he is a safe risk at this time. The board further believes that he is completely rehabilitated and recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN—Dissents
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Edward Chinn, 4070-B, No. 9833, January Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Edward Chinn, convicted of burglary; being armed with offensive weapon, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on October 27, 1942, computed from October 16, 1942, be commuted from 20 years to 14 years 7 months, expiring on May 16, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until October 16, 1962.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Anna Helen Cook, 3681-D, No. 8501, January Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Anna Helen Cook, convicted of kidnapping in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on November 8, 1944, computed from October 30, 1944, be commuted from 15 years to 12 years 6 months, expiring on April 30, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until October 30, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum

sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,
 (Sgd) ROY E. FURMAN,
 Lieutenant-Governor.
 (Sgd) JAMES A. FINNEGAN,
 Secretary of the Commonwealth.
 (Sgd) THOMAS D. McBRIDE,
 Attorney General.
 (Sgd) GENEVIEVE BLATT,
 Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
 Governor.

BOARD OF PARDONS

In re application of Charles Crafton, 3053-B, No. A3934, January Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Charles Crafton, convicted of robbery, etc in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on July 29, 1948, computed from July 7, 1948, be commuted from 10 years to 8 years 10 months, expiring on May 7, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until July 7, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,
 (Sgd) ROY E. FURMAN,
 Lieutenant-Governor.
 (Sgd) JAMES A. FINNEGAN,
 Secretary of the Commonwealth.
 (Sgd) THOMAS D. McBRIDE,
 Attorney General.
 (Sgd) GENEVIEVE BLATT,
 Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
 Governor.

BOARD OF PARDONS

In the re application of William DeArmint, 63-C, No. A56, January Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of William DeArmint, convicted of armed robbery in the Court of Quarter Sessions of Westmoreland County on September 3, 1946, computed from April 13, 1946, be

commuted from 18 years to 11 years 1 month, expiring on May 13, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until April 13, 1964.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
 Lieutenant-Governor.
 (Sgd) JAMES A. FINNEGAN,
 Secretary of the Commonwealth.
 (Sgd) THOMAS D. McBRIDE,
 Attorney General.
 (Sgd) GENEVIEVE BLATT,
 Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
 Governor.

BOARD OF PARDONS

In re application of Peter F. Devereux, No. A-3475, January Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Peter F. Devereux convicted of forgery, fraud, conspiracy and subornation of perjury in the Court of Oyer and Terminer of Philadelphia County on February 27, 1928; and further convicted of assault and battery and malicious mischief in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on April 26, 1935; and further convicted of assault and battery upon an officer in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on May 12, 1953, be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is fifty-seven years of age. He was involved in several minor offenses over the years, involving assault and battery charges of one type or another from which he was discharged by the Magistrate. The Board does not consider the assault and battery charge of 1953 as a serious offense. There is some question as to the facts. The applicant has not been involved in any serious matter since 1935.

One of the trail judges, the Honorable Francis Shunk Brown, Jr., replied to our letter of inquiry without giving us a recommendation that would prove of help. The office of the District Attorney of Philadelphia County is opposed to the granting of a pardon.

The applicant has been employed by the Department of Wharfs and Docks of the City of Philadelphia since 1945. Inquiry has developed that the applicant is a very good worker and handles all the details of the care and maintenance of the piers owned by the City of Philadelphia.

The applicant is eligible for advancement in the Department but believes that the offenses which he committed over the years acts as a bar, and, therefore, requests a pardon be granted so he may advance himself in City Government. The Board believes that this applicant has demonstrated his qualities of maturity and, therefore, recommends a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Louis DeVito, A-3885, January Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Louis DeVito, convicted of setting up a gambling establishment, aiding and assisting others to gamble, in the Court of Quarter Sessions of Delaware County on March 16, 1956, be commuted from 11 months to 11 months, expiring on February 16, 1957, and further recommend that the maximum sentence of Louis DeVito, convicted of conspiracy, in the Court of Quarter Sessions of Delaware County on March 16, 1956, be commuted from 6 months to 1 month expiring on March 16, 1957, and further recommend that the maximum sentence of Louis DeVito, convicted of bookmaking, in the Court of Quarter Sessions of Delaware County on March 16, 1956 be commuted from 6 months to 1 day, expiring on March 17, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty-three years of age. The facts of his offenses are briefly that he, together with an accomplice, were involved in setting up a gambling establishment and while the applicant was out on bail on the first offense he was rearrested for bookmaking. His accomplice received a suspended sentence while the applicant received a very severe sentence for this offense.

The trail judge, the Honorable Arthur P. Bretherick, gave the Board no written report but stated to the Parole Investigator that he would take no position in this appeal. The District Attorney wrote the Board that he was opposed.

The applicant was Secretary of the Local International Longshoremens Association at the time of his arrest. He has a minor criminal record and desires to have his name cleared so that he may return to his position as Secretary and Treasurer of the Local Longshoremens Association.

This applicant bears a good reputation in the City of Chester and is well regarded by his associates. There is no question that he received a severe sentence for the offenses he committed. The Board, therefore, recommends that his maximum sentences be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James W. Douglas, 9605-C, No. 9770, January Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of James W. Douglas, convicted of robbery with weapon, robbery by accomplice in the Court of Oyer and Terminer and Quarter Sessions of Dauphin County on January 12, 1944, computed from January 5, 1944 be commuted from 14 years to 13 years, 4 months expiring on May 5, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until January 5, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Philip Feola, C-3835, No. A-3960, January Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Philip Feola, convicted of burglary and larceny in the Court of Quarter Sessions of Westmoreland County on June 28, 1955, computed from June 7, 1955 be commuted from 3 years to 1 year, 9 months, 20 days, expiring on March 27, 1957.

Our reasons for making this recommendation are as follows:

This applicant is twenty-two years of age. The fact of his offense are briefly that he had stolen an automobile and when he was arrested by the police officers, who gave chase, he further confessed to entering a dwelling and taking about \$300.00 of cash and merchandise.

The trail judge, the Honorable Edward G. Bauer, stated that the applicant should serve at least his minimum sentence, and he opposed to the granting of clemency at this time. Likewise, the District Attorney of Westmoreland County stated that he would be inclined to agree to commutation if the applicant had a good parole plan upon his release.

The applicant had one prior arrest as a juvenile. The Board was informed that his conduct during his incarceration has been satisfactory, and he has earned the highest honor rating granted. Recently he was chosen as a member of the Correctional Conservation Camp and

BOARD OF PARDONS

the staff states it is felt that this might be the right time to consider the case favorably for clemency.

The Board is persuaded from the reports received that this young man, barely twenty-two years of age, made a mistake for which he appears now to become duly penitent and he has every prospect of conducting himself as a good citizen, if released. The Board is further persuaded that this is the type of application where great help can be given to a young man if he is permitted to return to society at just this moment of his rehabilitation. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN—Dissents
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Fred J. Hannan, No. A-3937, January Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Fred J. Hannan, convicted of pandering in the Court of Quarter Sessions of Cambria County, on March 18, 1932 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is forty-nine years of age. The facts of the offense briefly are that he was arrested by the police of Cambria County on the charge of setting up a prostitution ring in that county.

Since his arrest the applicant has conducted himself in an exemplary manner. His prior record involved no conviction although he had been arrested on two charges, but was discharged on each of them.

The applicant is married and resides in Pittsburgh and is employed as a clerk in the City Treasurer's Office of Allegheny County. Prior to this employment he was a water meter reader for the City of Pittsburgh. The applicant also holds the office of Vice-Commander of the Pennsylvania Disabled Veterans Association, and is quite anxious to have his record cleared so that he may accept higher offices in this Association.

The Board received no written expression of opinion from the trial judge, the Honorable John H. McCann, nor from the District Attorney's office.

The Board believes that this applicant, who has for some years conducted himself in a very satisfactory manner and who now holds a responsible position in the government of the County of Allegheny, and who is esteemed by his fellow-members of the Pennsylvania Disabled Veterans, is deserving of a pardon and so recommends.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Hope D-3931, No. A-325, January Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of James Hope, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on April 11, 1939, computed from October 10, 1939, be commuted from life imprisonment to 18 years 2 months 10 days expiring on March 20, 1957.

Our reasons for making this recommendation are as follows:

The facts of the crime are briefly that the applicant entered a small store in Philadelphia and asked for some cigarettes. While the clerk was waiting on the applicant, his accomplice, with a mask on his face, held-up the clerk at the point of gun and took the money from the cash register. The applicant left the scene and a few moments later he heard a shot fired. The accomplice had shot and killed the clerk. The applicant fled to Georgia and was arrested a few months later. The accomplice was tried, received the death penalty and was executed.

The applicant has been incarcerated for nearly eighteen years and during the entire time of his incarceration it is reported that he has had a splendid disciplinary record and has made some attempt at self-improvement. He has matured considerably and is in full control of his emotions.

The Honorable L. Stauffer Oliver, who was on the Bench at the time of this plea of guilty: "if he has conducted himself well in prison and made a faithful effort towards rehabilitation, his application should be granted." Likewise, the District Attorney of Philadelphia County stated to the Board that he was not opposed to the granting of commutation of his life sentence.

The prison staff of the penitentiary speaks very favorably of this applicant. He has an excellent work record. Attempts at self-improvement have been demonstrated through enrollment in educational courses. He is more mature and better able to control himself. A habit of thrift has been demonstrated by his large savings account.

The Board, believing that this applicant will not again violate the law and that he will conduct himself in the future as a law-abiding citizen, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles Johnson, D-5438, No. A-362, December Session 1956 (recommended January Session, 1957).

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles Johnson, convicted of murder in the second degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on December 17, 1940, computed from September 19, 1940 be commuted from 20 years to 16 years, 6 months, 10 days expiring on March 29, 1957.

Our reasons for making this recommendation are as follows:

This applicant is sixty-one years of age. Briefly his offense was that he was living with his common-law wife and when he came home he found his common-law wife in the bedroom with one Charles Baker. He grabbed a revolver on the dresser in the bedroom and in the tussel between he and Baker the gun exploded and the victim was killed. In the shooting affray the woman was wounded.

The trial judge, the Honorable Francis Shunk Brown, stated that the application was, in his opinion, without merit. The District Attorney's office, however, was not opposed to the granting of commutation, provided the applicant would be given close supervision under some responsible organization. The Salvation Army agreed to act as his sponsor and supervisor and would afford him living quarters and guidance until he was ready to assume his own responsibilities.

The applicant has conducted himself satisfactorily in the penitentiary and all the Departments therein state that because of his advance years he is unable to take advantage of the educational or training programs. The psychiatric report states that he is mentally slow, but needs no psychiatric treatment. He is in good physical condition and is still able to work.

The applicant has spent nearly seventeen years in the penitentiary, and the Board believes that having shown a marked improvement in his personality he is ready for release and the Board, therefore, recommends his minimum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT VOTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Carl W. Metzler, 8957-C, No. A-3940, January Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Carl W. Metzler, convicted of murder, second degree in the Court of Oyer and Terminer of Cambria County on October 4, 1943, computed from October 27, 1942 be commuted from 16 years to 14 years, 6 months, expiring on April 27, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until October 27, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Isadore Mormam, No. A-3939, January Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Isadore Mormam who plead guilty to being a common gambler and keeping a gambling house in the Court of Oyer and Terminer of Allegheny County on December 17, 1951 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is fifty-one years of age. The facts are briefly that this applicant was arrested by a raiding party of State Police and they found punch boards on the premises of the restaurant in the building which the applicant owned. There was also bets being taken on the premises but the applicant was not involved in that business. The applicant had no prior record involving any type of offenses and since this suspended sentence was given, he has conducted himself in a very satisfactory manner.

The applicant moved to Florida a few years ago and bought a Motel near Fort Lauderdale. This is quite an elaborate place and is valued at \$115,000.00.

The report from the Florida Board of Parole states that the applicant has ample resources and has conducted himself in a very satisfactory manner.

The trial judge is no longer on the bench and the district attorney of Allegheny County, through his representative, advised the Board there was no opposition to the granting of a pardon.

The Board feels that this request of the applicant for a pardon in order to better himself in his business is a meritorious one, and, therefore, recommends that it be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Carlo Passione, D-2739, No. A-504, January Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Carlo Passione, convicted of murder in the first degree in the Court of Oyer and Terminer, and Quarter Sessions of Philadelphia County on December 31, 1937 be commuted from life imprisonment to 19 years, 3 months expiring on March 31, 1957.

Our reasons for making this recommendation are as follows:

This applicant is fifty-three years of age. The Victim, operating a tailor shop in Philadelphia, was held up by the applicant. The applicant is alleged to have shot the proprietor of the shop and fled. At the time of the arrest of the applicant he attempted to flee and was shot in the leg, by one of the pursuers. The applicant plead guilty generally to the crime of murder. The applicant had a prior criminal record covering the offenses of larceny and breaking and entering.

Since his incarceration the applicant has an unblemished disciplinary record and appears to be better controlled and better able to understand his problems. The habit of thrift has been demonstrated by his large savings account.

The trial judge is deceased and the President Judge took no position in the matter of clemency. The office of the District Attorney is not opposed to the granting of clemency. In fact the representative stated to the Board that now is the time, if any, that this applicant should be released and his successful rehabilitation will diminish with the passage of time.

This applicant has spent over nineteen years in the penitentiary and the Board believes that he has been sufficiently punished, and, therefore, recommends that his sentence be commuted.

Respectfully submitted,

NOT SITTING

Lieutenant-Governor.

(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.

(Sgd) THOMAS D. McBRIDE,

Attorney General.

(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Arthur L. Phillips, C-3913, No. A-3920, December Session 1956 (Recommend January Session, 1957).

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Arthur L. Phillips, convicted of break and escape in the Court of Quarter Sessions of Centre County on February 22, 1954, computed from October 12, 1955 be commuted from 5 years (credit of 1 month) to 1 year, 5 months, 10 days, expiring on March 22, 1957.

Our reasons for making this recommendation are as follows:

This applicant is twenty-seven years of age. While serving a sentence in the State Penitentiary at Rockview, there was an attempted escape from the prison farm and this applicant was sentenced by the Court of Centre County to an additional sentence for from five to ten years, effective October 12, 1955.

The facts of the crime are that the applicant, with an accomplice, were operating a tractor on the prison farm at Rockview. He, and his accomplice, left the tractor and started across the fields. They were observed by the guards, who gave chase and captured the applicant and his accomplice while still on the prison grounds approximately two miles from the institution.

There is no question that the applicant was walking off the farm, but there appears no evidence of a prison breach and at the best he could only be accused of an attempt to escape as he was apprehended, according to the Superintendent of the Board of Parole, still on prison property. However, they ran some distance when sighted

by one of the guards before they were captured and were on the adjoining farm of one Calvin Rider when the arrest was actually made.

The applicant, in the opinion of the Board, should have for prison breach. He has served all of his original minimum sentence and well over one year on the prison breach sentence. The penitentiary authorities states that his conduct has been satisfactory except for this attempted escape and that basically he is a first offender.

The Board believes that this applicant received a greater sentence than his sentence demanded under the law and, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

NOT VOTING

Secretary of the Commonwealth.

(Sgd) THOMAS D. McBRIDE,
Attorney General.

(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Henry Lewis Ramsey, 71781, No. A3150, January Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Henry Lewis Ramsey, convicted of sodomy in the Court of Oyer and Terminer of Allegheny County on March 26, 1952, computed from February 13, 1952, be commuted from 10 years to 5 years 1 month, 10 days, expiring on March 23, 1957.

Our reasons for making this recommendation are as follows:

This applicant is twenty-four years of age. Briefly, the facts of the crime are that the applicant induced two young boys to commit the act of sodomy.

The trial judge, the Honorable Samuel A. Weiss, writes the Board, highly recommending commutation and stating: "I am firmly convinced that this request should be granted . . . for I believe the petitioner has learned his lesson and will have no further conflicts with the law." The representative of the District Attorney stated to the Board that he had no objection to the granting of clemency.

The Legal Aid Society of Pittsburgh addresses the Board to the effect that the applicant has grown more mature and they are confident that he will not again offend by any act in the future.

The Board has on file letters from many people from Swissvale, and surrounding areas, attesting to the character of this applicant.

The statement was made to the Board that the applicant has the equivalent of a high school education and since his incarceration, for the past four years, he has become a changed individual.

The Board is of the opinion that this young man has learned a valuable lesson and feels that his sentence should be commuted so that he may prove to his friends, neighbors and family that he will lead a good life. The Board recommends his sentence be commuted, and further recommends that this applicant be placed under psychiatric care, either with a private psychiatrist or in one of the well-known clinics in and about Pittsburgh, Pa.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
NOT VOTING
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Santini D8563, No. A1919, January Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of John Santini, convicted of murder in the first degree in the Court of Philadelphia County on November 8, 1945, be commuted from life imprisonment to 11 years, 4 months, 20 days, expiring on March 28, 1957.

Our reasons for making this recommendation are as follows:

This applicant is seventy-five years of age. The facts of the crime are that he loaned money to a fellow-worker who worked in a factory with him, and when the time came for the repayment, the victim was unable to meet her obligations. There upon the applicant got into a fatal argument over the money, and the applicant stabbed the victim twice with a file. The applicant plead guilty to the crime of murder.

One of the trial judges, the Honorable Raymond MacNeille, advised that he would rely on the Board's decision, and the other trial judge, the Honorable Byron A. Milner, set forth in a letter that he has no objection to the release on parole. The District Attorney's office of Philadelphia County advised the Board that there was no opposition to parole. It was stated before the Board that Judge MacNeille expressed the thought that the crime probably did not rise higher than second degree murder.

During the applicant's incarceration for the past eleven years his institutional record has been excellent and the penitentiary staff expressed the thought that the application is an unusually meritorious one. The probability that this applicant will again offend against the laws of the Commonwealth is rather remote. Certainly, since he is seventy-five years of age, his span of life cannot be much longer.

The release of this applicant, in view of the question raised as to the degree of murder, his age, and good penitentiary record, and the approval of the trial court seems appropriate. The Board recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Earl Eugene Steely, D4284, No. 9157, January Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due

public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Earl Eugene Steely, convicted of murder in the first degree in the Court and Terminer and Quarter Sessions of Lancaster County on September 28, 1939, be commuted from life imprisonment to 17 years, 6 months, expiring on March 28, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty-one years of age. The facts of the crime are briefly that the applicant drove the victim out into the country and attempted intercourse. The victim repulsed his advances, and when she left the car the applicant pursued her. In the resulting struggle he strangled the victim with a silk stocking. About one week later the body of the victim was found by hunters.

The trial judge, the Honorable Charles V. Henry, wrote the Board that there was no excuse for this crime. President Judge J. B. Wissler, was interviewed by an Agent of the Board of Parole, and stated that he was opposed. The District Attorney of Lancaster County, William Storb, stated to the Parole Investigator, that he was not opposed.

The penitentiary staff reports that this applicant has earned an excellent record and he is commended by the staff of the institution. At present he is a male nurse in the penitentiary hospital and has made constant efforts at self-improvement. He is now mature and understands his problems.

The Board believes that this crime, which was one of passion and which was by a young man then about twenty-two years of age, will not likely be repeated. There is every belief that he will conduct himself in a law-abiding manner in the future. His family has remained loyal to him and they, together with a good parole program, should help this man adjust himself and make a contribution to society. The Board, therefore recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN—DISSENTS
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Norman Stewart Jr., B6752, No. A2825, December Session, 1956. (Recommended January 1957).

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Norman Stewart Jr., convicted of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on June 12, 1939, be commuted from life imprisonment to 17 years, 9 months, 10 days, expiring on March 22, 1957.

Our reasons for making this recommendation are as follows:

This applicant is fifty-one years of age. Briefly the facts of the crime are that the applicant, and his wife, were bickering over money and this daily argument worked upon the nerves of the applicant so that he came home one day and killed both his wife and son. The applicant fled the State but returned about three and one-half years after the offense and gave himself up to the police.

The applicant had no prior criminal record up to the time of this offense. The applicant was a graduate of the

University of Pittsburgh Dental School, and had a degree of D.D.S.

The trial judge is deceased and the President Judge, the Honorable William H. McNaugher, states that he has no information on the case and no recommendations to make. The District Attorney stated to the Board that the applicant has attained a superior adjustment and can be a useful citizen in the future and, therefore, their office has no opposition to the granting of clemency.

The Board is in receipt of letters from various persons recommending clemency for this applicant. Some of these letters are from: The President of the Herr Thompson Oil Company; the Publisher of the Jeffersonian Democrat; the Editor of Scripta Mathematica; the President of the Ellis Importing Company; Counselor of the University of Miami, and others are from lawyers and business men. All these letters attest to the belief that this man still has a useful life ahead of him, and that his unexplainable crime does not fit into his character.

The penitentiary authorities states that he has a very responsible place in the penitentiary as a cost accountant and has taken advantage of their educational program and is a mathematician. His progress in the science of mathematics has been attested by the highest authorities in this country.

The Board believes that this applicant can become a useful citizen and, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Robert Webb, No. A 3511, January Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Robert Webb, convicted of larceny in the Court of Quarter Sessions of Butler County, on August 31, 1955 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is twenty-seven years of age. His offense briefly was that he, together with three other young men, were building a cabin in the Slippery Rock Park near Butler, and they took building materials, gravel and other items, both from the Commonwealth and from private individuals to be used in the construction of their cottage. Upon arrest all the materials taken were either returned, or payment made therefor.

This applicant had no prior criminal record and since his release he is gainfully employed with the Raymond Brass Manufacturing Company.

The office of the District Attorney of Butler County stated that there was no objection to the granting of clemency. The trial judge, the Honorable Clyde Shumaker, did not express an opinion as to the merits although the investigator of the Board of Parole stated that the Judge did not oppose.

The value of the material taken did not exceed \$150.00, and possibly this case could have been settled out of court if the young men involved had been residents of the County from which they were sentenced.

The applicant is desirous of a pardon so that he may be

reinstated in the National Guard. His Commanding Officer was before the Board and stated the applicant is an estimable young man who held the rank of First Sergeant and who, in the past, persuaded over thirty-five men to join his battery in the Guard.

The Board believes that this young man, who is so anxious to progress in the National Guard, and who has proved to be of such service to the Guard, is deserving of mercy, and, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Edward J. Whalen, E 6668, No. A 3964, January Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Edward J. Whalen, convicted of robbery, etc. in the Court of Oyer and Terminer of Philadelphia County on January 21, 1955, computed from July 3, 1956 (credit 3 mos., 1 day) be commuted from 7½ years to 11 months, 28 days expiring on March 30, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-three years of age. The facts of this crime are briefly that the applicant entered a business establishment armed with a gun and having his face covered with a scarf. He herded the employees into a room, opened the safe, took a total of \$4500.00, and fled.

The applicant made statements admitting to the crime. Later, he denied this confession, alleging intoxication at the time of writing the statement and he plead not guilty.

The trial judge, the Honorable Louis E. Levinthal, writes the Board at length on this question of identification of the applicant. The Judge states that it is very difficult to explain how one witness at the Magistrate's preliminary hearing could not identify the applicant, and then later, at the trial, positively identify him. Likewise the statement of the arresting police officer is in conflict between the testimony at the hearing and at the trial of the case. The Judge further states he has grave doubt as to the guilt of the applicant. President Judge Curtis Bok wrote the Board that there is enough uncertainty about Whalen's guilt to warrant his commutation. The office of the District Attorney of Philadelphia County expressed the opinion that there was an uncertainty as to the identification of the applicant. Therefore, that office did not oppose.

The prison staff states his behavior has been exemplary, and there is evidence of self-improvement. In view of this, and the statement of the Judge and District Attorney, the Board recommends his sentence be commuted.

Respectfully submitted,

NOT SITTING
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Richard Wright, 2830-D, No. 7623, January Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Richard Wright, convicted of assault and battery; aggravated assault and battery; assault and battery to ravish; rape in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on December 12, 1939, computed from November 25, 1939 be commuted from 20 years to 17 years, 5 months, expiring on April 25, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until November 25, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Howard E. Boyle, B-6723, No. 5034, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Howard E. Boyle, who plead guilty to murder in the first degree in the Court of Oyer and Terminer of Allegheny County on May 15, 1939, be commuted from life imprisonment to 18 years expiring on May 15, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-seven years of age. He, and two accomplices, entered a store in Turtle Creek and while one of the accomplices covered the patrons with a revolver the applicant took money and goods from the proprietors of the store. The applicant left the store and while out on the sidewalk he heard a shot, fired by one of his accomplices, which killed the victim.

The applicant, since his incarceration, has had a remarkable career in the penitentiary. He has become an authority on Nautical Research and some of his articles have been printed in the Research Journal. He has also become an expert Welder.

The penitentiary authorities state that his record is exemplary and he is now holding a position of trust in the institution.

The training which this applicant has received in welding bears eloquent testimony to the quality of instruction available in our institutions to any prisoner who desires to take advantage of it.

The trial judge, the Honorable W. Walter Braham, is no longer on the Bench, but he has written the Board recommending that leniency be extended. The President Judge, the Honorable William H. McNaugher, is not familiar with the facts and expressed no comment. The District Attorney of Allegheny County is not opposed to a granting of commutation.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

Page 1 of Two Pages.

BOARD OF PARDONS

In re application of Howard E. Boyle, B-6723, No. 5034, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Page 2 of Two Pages.

Sir: The accomplice of the applicant, James Barnett, had his life sentence commuted in September 1956 and the other accomplice, Richard Croter, likewise had his life sentence commuted in November 1956.

The Board has on file letters from a concern in Florida assuring the applicant of a job when released. The Board is of the opinion that this man, who has served nearly eighteen years of his life sentence, and who had no previous criminal record, shows every likelihood of being a respected and responsible citizen, and living a law-abiding life. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Meyer M. Copeland, No. A-3877, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Meyer M. Copeland, who plead guilty to setting up an illegal lottery, in the Court of Quarter Sessions of Philadelphia County on November 7, 1946; and who had further plead guilty

to setting up an illegal lottery, in the Court of Quarter Sessions of Philadelphia County on August 13, 1947, be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is fifty-eight years of age. The offense of setting up an illegal lottery, for which he received a suspended sentence and was fined One Hundred Dollars, occurred in 1946. Likewise, in 1947, when he again plead guilty to the offense of setting up an illegal lottery, he received a suspended sentence and was fined One Hundred Dollars.

Since 1947 the applicant has not become involved in any violation of the law. He was employed for eighteen years by the Unity Furniture Company of Philadelphia but was compelled to retire on account of a heart condition. The applicant has made application for a position in Civil Service and desires a pardon in order to qualify.

The trial judge, the Honorable James C. Crumish, states to the Board that the applicant is completely rehabilitated and he recommends favorable consideration. Likewise, the District Attorney of Philadelphia County stated that he was not opposed to the granting of a pardon for this applicant. The report from the parole officer who investigated this application is favorable as to the fine conduct of the applicant for the past eight years.

The Board believes that this man has shown that he has made every effort to live a law-abiding life and, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Lawrence C. Emmertz, 3894-E, No. A-3972, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Lawrence C. Emmertz, convicted of attempt to kill in the Court of Quarter Sessions of Delaware County on June 8, 1955 be commuted from 2 years 6 months to 1 year 11 months 20 days expiring on May 28, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-one years of age. He and his wife were separated and, after some drinking, he went to visit his wife carrying a rifle. When he arrived at the home he found his wife sitting on the couch with another man, whereupon the wife threw a pillow at him, deflecting the pointed rifle and causing the bullet to enter the ceiling. The wife fled the premises and no further shooting occurred.

The trial judge, the Honorable John V. Diggins, forwarded the Board a letter stating he had no objection to a granting of commutation of this sentence. Likewise, the District Attorney of Delaware County stated that he had no objection to commutation of the sentence.

The Warden of Broadmeadows Prison stated that the applicant has a satisfactory prison record. At present he is working in the boiler shop of the County Prison.

In view of the report on his conduct and prison record and further that he has only a few months more to serve of his minimum sentence, the Board believes that this

extension of clemency at this time will have a beneficial effect upon him and that he will conduct himself in the future in a law-abiding manner. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Harry Charles Fleming, B-8460, No. A-2306, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the Life sentence of Harry Charles Fleming, who plead guilty to murder in the first degree in the Court of Oyer and Terminer of Washington County on February 16, 1943 be commuted from life imprisonment to 14 years 3 months 10 days expiring on May 26, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-three years of age. He, and two accomplices, stopped at a roadhouse where a hold-up was carried out. During the commission of the offense, one of the accomplices shot a patron, who later died from the wounds. The applicant did not enter the roadhouse, but drove the get-away car.

Since his incarceration the applicant, according to the prison authorities, has gained an insight into his behaviour. He has matured and his conduct and attitudes are greatly improved. The Western State Penitentiary authorities report that he was of great assistance to them during the riots in 1953. He sided with the authorities in controlling the riot.

The trial judge is retired, but the President Judge, the Honorable Roy I. Carson, stated to the Board that he should be given favorable consideration. The district attorney of Washington County, according to the Parole Investigator, stated that he would rely upon the Board in any decision they make.

At the hearing a former chief of the Fire Department of the City of Pittsburgh stated that the action of the applicant on behalf of the authorities of the Western State Penitentiary in the riots of 1953 saved the Commonwealth millions of dollars. The Board has a letter from the Fire Chief stating further detail of the actions of the applicant in the fires on the evening of January 18, 1953, and the applicant's efforts to assist the authorities.

The Board, believing that this applicant has been sufficiently punished, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John James Friel, No. A-3966, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John James Friel, convicted of robbery, together with other persons and assault and battery in the Court of Oyer and Terminer and Quarter Sessions of Montgomery County, on April 8, 1954 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is twenty-two years of age. He, together with three accomplices, picked up three homosexuals in a tavern in Philadelphia and drove them out to Ardmore, Penna. They stopped the car and proceeded to pummel these three men, also taking from them a watch, ring, sport coat and Two Dollars in cash. The applicant was promptly arrested and received suspended sentence.

One of this group of young men is the applicant, who was attending Villanova University at the time. The Court did not sentence to jail any of the group involved in this assault, but suspended their sentences.

The applicant has graduated from Villanova and desires to enter the officers training school but this offense seems to prevent his admittance. The applicant had never been involved in any criminal offense previously and this misdemeanor is the one blemish on the record of this young man.

The trial judge, the Honorable William F. Dannehower, states to the Board: "I would have no objection to the granting of a pardon in this case and feel that it is entirely a matter for the exercise of your discretion in which I should not interfere." Likewise, the District Attorney of Montgomery County stated to the Board that he had no objection to the granting of a pardon.

The board believes that this young man, a graduate of Villanova, who desires to become an officer of the United States Army, and who is the son of a very fine family in Montgomery County, should not have his career affected by the offense which he committed in his years of indiscretion. The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James R. Furman, E-2905, No. 8970, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of James R. Furman, who plead guilty to the offense of burglary, etc. in the Court of Quarter Sessions of Philadelphia County on February 25, 1949, computed from March 26, 1952 be commuted from 10 years to 5 years 2 months expiring on May 26, 1957.

Our reasons for making this recommendation are as follows:

This applicant is fifty-five years of age. He was under

parole at the time when he burglarized a number of dwellings in order to obtain funds to maintain his family. He was required to spend three years in the penitentiary as a parole violator before commencing the present sentence.

The prison staff states that he has an unblemished disciplinary record and is considered a trustworthy and stable individual. The applicant has become skilled as a photographer and has established an outstanding work record in the Penitentiary Identification Department.

The trial judge, the Honorable James C. Crumlish, recommends favorable consideration of this application. Likewise, the District Attorney of Philadelphia County stated to the Board that he would not oppose the application as he found, upon interviewing the applicant at the penitentiary, that he was an exceptional man.

The Board is informed that this applicant has an excellent sponsor to wit: Former County Detective J. Connolly, Philadelphia County. The Board is also assured that the applicant will find employment in the photographic field.

The applicant has been confined for a total of seven years, and the Board believes, on the basis of his rehabilitation and his acquiring knowledge of a trade during his incarceration, that this man will live a law-abiding life if released. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Frederick Dauphin Gensemer, D-4810, No. 8737, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Frederick Dauphin Gensemer, convicted of murder in the first degree in the Court of Oyer and Terminer of Berks County on March 26, 1940 be commuted from life imprisonment to 17 years 2 months expiring on May 26, 1957.

Our reasons for making this recommendation are as follows:

The applicant is thirty-eight years of age. The offense for which the applicant was sentenced involved himself and four accomplices in an armed robbery of a gasoline station and the subsequent shooting of the attendant. The applicant was a member of the group but did not have a revolver.

All the accomplices are out of prison. Two of them, Babbet and Quigg, received sentences of 8 to 20 years for second degree murder, and were paroled. The other two, Katerzinskie and Kulpliskie, have had their sentences of life imprisonment commuted by the Board in 1956 and 1955 respectively.

The applicant, during the past seventeen years spent in the penitentiary, has maintained a good prison record. The prison staff reports that he has adjusted well and they believe that this application is particularly meritorious.

The trial judge, the Honorable Paul N. Schaeffer, is no longer on the bench and the President Judge, H. Robert Mays, did not reply to our letter of inquiry. The District Attorney of Berks County stated to the Board that the same consideration should be shown to the applicant as

has been extended to the accomplices.

The Board has been informed that a sponsor has been procured and that the applicant will reside in California where he has been promised employment.

The Board believes that this applicant, after spending nearly eighteen years in the penitentiary has been fully rehabilitated and since there is every indication that he will conduct himself in the future as a law-abiding citizen, therefore, recommends that this sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Richard Joseph Gorham, C-487, No. A-1786, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Richard Joseph Gorham, who plead guilty to offenses of armed robbery and receiving stolen goods in the Court of Oyer and Terminer of Allegheny County on January 13, 1948, computed from December 24, 1947 be commuted from 15 years to 9 years, 5 months, expiring on May 24, 1957.

Our reasons for making this recommendation are as follows:

This applicant is twenty-seven years of age. He, together with an accomplice, committed several armed robberies in and about Allegheny County, consisting principally of hold ups of gas stations and a street car conductor.

The applicant was incarcerated in the Western State Penitentiary and when the riots broke out in that institution he served the Commonwealth in protecting the property of the Commonwealth. It is alleged that by his prompt action in siding with the authorities, over the violent objection of his fellow-inmates, he saved nearly one million dollars worth of property belonging to the Commonwealth. By reason of his cooperation with the authorities the Bureau of Correction transferred the applicant to Huntingdon in order to save him from possible injury by his fellow inmates after the riots.

At the trial of the rioters, the prosecuting Deputy Attorney General, the Honorable David S. Kohn, stated he felt that the applicant was deserving of every consideration for his acts and his courage in testifying against his fellow prisoners.

The trial judge is deceased and the President Judge, the Honorable William H. McNaugher, states he has no information on the case. The district attorney stated to the Board that he had no objection to a granting of commutation. Likewise, the Superintendent of Huntingdon, John D. Pennington, stated that he recommended a commutation of sentence.

The Board believes that this applicant is deserving of the clemency of the Commonwealth, and, therefore, recommends commutation.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,

Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William S. Green, D-9618, No. A-3925, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that William S. Green, convicted of murder in the first degree in the Court of Oyer and Terminer of Philadelphia County, on May 15, 1947 be pardoned.

Our reasons for making this recommendation are as follows:

William S. Green was tried and convicted of murder in the first degree with punishment fixed at life imprisonment in April, 1947. He is presently confined at Eastern State Penitentiary. Persistent efforts on his behalf by his mother and several attorneys who have seriously doubted his guilt all these years have uncovered documented evidence which tends not only to cast doubt on his guilt but even to establish his actual innocence of the crime.

Petitions for a new trial have been presented to the courts, but the Supreme Court of Pennsylvania felt that it had no jurisdiction to grant a new trial over the adverse finding of the lower court even though the District Attorney joined with counsel for Green in requesting a new trial. The Supreme Court suggested that the matter be brought before the Board of Pardons. At the hearing before the Board the District Attorney's Office not only did not oppose the application but joined in it. The evidence presented and the presentation both indicate that there is more than reasonable doubt as to William S. Green's guilt. They both apparently establish his actual innocence.

This case is peculiarly one calling for action by the Board of Pardons. Here is presented a situation where our ordinary legal processes are impotent to rectify the wrong done to Green and to require his immediate release. As the Supreme Court pointed out, in noting that Green may go to this Board, its appellate review in these cases is "severely limited." Hence, the Board may and should be called upon to act, to go beyond the strict confines of law and to exercise its ultimate power to do justice and recommend executive clemency. The Board exists primarily to carry out this extra-legal and extra-judicial function, and no better case could be presented exemplifying the need for it to take action. In its absence no other tribunal could remedy the wrong done to Green; a vacuum would exist in which an innocent person would be confined without reason.

William S. Green has languished in jail for over ten years. It is time that he be released. Accordingly the Board recommends that a full pardon be granted to Green and that he be released from the Eastern State Penitentiary immediately.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph L. Hart, 5238-B, No. A 3969, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Joseph L. Hart, convicted of robbery with violence in the Court of Oyer and Terminer of Fayette County on July 22, 1949, computed from May 6, 1949 be commuted from 10 years to 8 years, 2 months expiring on July 6, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until May 6, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Clark Hill, E 2186, No. A 3316, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Clark Hill, convicted of armed robbery in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on February 28, 1951, computed from November 21, 1950 be commuted from 10 years to 6 years, 6 months expiring on May 21, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-five years of age. He was involved in two robberies and at the trial he was found not guilty of one robbery and the jury was unable to come to a verdict in the second count. Later, at a trial on the second count, he was found guilty and sentenced as stated. The applicant has always alleged his innocence although he was identified by two witnesses at the police stand up.

The trial judge is no longer on the Bench, and the President Judge wrote to the Board that he had no personal knowledge of the facts and, therefore, was not in position to comment. However, the representative of the District Attorney's office of Philadelphia County stated that he would recommend granting of clemency.

The prison staff states that this applicant has maintained an unblemished disciplinary record; that he appears to be more mature; and has arrived at a better understanding of himself.

The applicant has spent well over six years of his minimum sentence in the penitentiary and the Board believes

that he will conduct himself in the future in a satisfactory manner. He has, from all indications, realized his responsibility to himself and society and there is every likelihood that from the lesson he has learned he will be a law-abiding citizen. The Board, therefore recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Martell Inmon, C 2987, No. A 3147, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Martell Inmon, who plead guilty to the offense of armed robbery in the Court of Oyer and Terminer of Allegheny County on January 12, 1953, computed from October 23, 1952 be commuted from 5 years to 4 years, 7 months expiring on May 23, 1957.

Our reasons for making this recommendation are as follows:

This applicant is twenty-six years of age. He, and three accomplices were involved in a series of armed robberies. The particular offense for which he was arrested was a 'stick-up' of a tavern in which the proprietor was compelled to turn over the money from the cash register.

The trial judge is no longer on the bench, and the President Judge, the Honorable William H. McNaugher, states he is not familiar with the facts of the case and has no comment to make. The assistant district attorney stated to the Board that he has no objections to the granting of commutation.

The prison authorities report that this applicant, who is serving his first major imprisonment, has established an excellent record and does not impress the prison authorities as being a hardened criminal.

The accomplices of the applicant have been released with the exception of one, who is serving a ten to twenty year sentence.

The Board believes that this young man may prove to be a law-abiding citizen and that this salutary sentence has driven home to him the fact that crime has serious consequences. The Board further believes that this applicant will prove to be a satisfactory citizen in the future and, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY FURMAN—Dissents,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Thomas Ivancik, D-3069, No. A-1181, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the Life sentence of Thomas Ivancik, who plead guilty to Murder in the First Degree in the Court of Quarter Sessions of Luzerne County on April 18, 1938 be commuted from life imprisonment to 19 years 1 month 10 days expiring on May 28, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty-three years of age. He was in love with a young lady, who refused his advances. He became incensed at the fact that she was paying attention to another young man in her home town, and in a fit of jealousy he stabbed her twice and she died of the wounds. The applicant plead guilty to the crime of murder and was sentenced to life imprisonment.

The district attorney of Luzerne County wrote the Board that: "In view of the number of years the applicant has been confined, it is the opinion of this office that the matter should be left to the discretion of the Board of Pardons."

The applicant has an excellent record in the penitentiary and has demonstrated a habit of thrift to the extent that he has over Twelve Hundred Dollars of savings. He had no prior criminal record except two minor arrests. His present outlook on life and the development of his personality has been noted by the prison authorities and they feel sure that he will be a law-abiding citizen. The applicant has served almost nineteen years of his life sentence.

The Board believes that this man is at the right age to carry on a successful life and the Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY FURMAN—Dissents,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James G. Kehoe, No. A-423, February session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of James G. Kehoe, who plead guilty to the offense of Murder in the first degree in the Court of Oyer and Terminer of Philadelphia County on June 9, 1947, computed from March 27, 1947 be commuted from life imprisonment to 10 years 2 months expiring on May 27, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty-five years of age. He had been sentenced to life imprisonment in the Eastern State Penitentiary for the crime of murder in the first degree.

The applicant was found guilty of shooting his wife while under the influence of alcoholic beverages and injuring his son at the same time.

The Board of Pardons commuted his life sentence at the September 1955 Session after he had served well over eight years. Upon his release he was given employment by the Prisoners' Family Welfare Association of Philadelphia, which Association looks after the families of individuals sentenced by the Philadelphia Courts for various crimes. The Association is under the immediate supervision of Judge James C. Crumlish, who is the President. Many distinguished citizens of Philadelphia County are members of this Association.

The duties of this applicant, an investigator for the Association, takes him into a wide variety of homes, business places, and likewise the County Prison and Penitentiaries. He is also required from time to time to travel beyond the limits of Philadelphia County. The applicant, under the parole which he is now serving, is not permitted to enter taverns, prisons or penitentiaries, or travel beyond the limits of Philadelphia County without permission. His parole supervision, therefore, is a restraint upon his activities.

Judge Crumlish has written to the Board stating: "From my observations he is conducting himself in a moral and law-abiding manner and I think the granting of his petition would encourage him to carry out his good intentions." Likewise, Judge Oliver has written the Board as follows: "Kehoe is doing excellent work. It is also true that his possibility of promotion is balked by the fact that he is on parole. I feel confident this man will never get into trouble again, and he has worked so earnestly and so hard that I recommend his application be granted."

The Board of Parole has written to the Board of Pardons that although he has made satisfactory adjustment and is conducting himself in a very satisfactory manner they felt that his application was premature. Likewise, the District Attorney of Philadelphia County expressed a similar viewpoint.

The Board, however, is of the opinion that this man has made a remarkable comeback and that his work with the Prisoners' Family Welfare Association is of such a nature that parole supervision is a handicap to the proper carrying out of his duties. The Board is further persuaded that the applicant, who is under the personal supervision of Judge Crumlish and Judge Oliver (both of these distinguished gentlemen having recommended that his maximum sentence be commuted) should be relieved of parole. The Board, therefore, recommends that his maximum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Robert Lee, E-5210, No. A-3446, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Robert Lee, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on February 4, 1955, computed from December 7, 1954 be commuted from 3 years to 2 years 5 months 20 days expiring on May 27, 1957.

Our reasons for making this recommendation are as follows:

This applicant is twenty-three years of age. He, together with an accomplice, drove into Philadelphia from a point in New Jersey. The accomplice asked the applicant to stop the car while he went into a store. Upon accomplice's return he informed the applicant that he had just held up the store and took about Nineteen Dollars from the proprietor. The applicant denied that he knew of the intentions of the accomplice and, further, that he did not participate in any way at all in the offenses.

The district attorney of Philadelphia County is opposed to the granting of the application. The trial judge, the Honorable Joseph Sloane, did not express his opinion to the Board as to the merits of the application.

The applicant was never involved in any previous offenses. The penitentiary staff states that he has proven conclusively his good qualities, and the staff strongly favors the granting of clemency. Indeed, the staff states that further confinement would harm rather than assist this man's rehabilitation. The applicant has served almost his entire minimum sentence.

The Board is assured that home, a sponsor and employment has been provided for this young man and, therefore, recommend that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles Leeper, C-2555, No. A-3101, January Session, 1957 (Recommended at the February Session).

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles Leeper, who plead guilty to the offenses of burglary and robbery in the Court of Oyer and Terminer of Allegheny County on April 30, 1952, computed from January 30, 1952 be commuted from 6 years to 5 years 4 months expiring on May 30, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-three years of age. He was indicted for the crime of burglary and the crime of robbery.

The offenses consisted of getting a woman to write a check for Two Hundred Dollars and having her drive her own car, accompanied by the applicant, to get check cashed. The victim drove her car into the rear end of another car in order to attract attention, thereby getting help from the pedestrians. The applicant was arrested and plead nullo contendere. At the hearing before the Board the matter came up as to the indictment upon which this man was sentenced. On the robbery charge the sentence would be not less than five nor more than ten years. In the burglary charge the sentence could not exceed twenty years, and as these two offenses were combined in one indictment it was questionable which one was controlling. The Board felt that, in view of the confusion and error in properly identifying the punishment, the five to ten year sentence should be conclusive.

The District Attorney of Allegheny County stated that there was no evidence of burglary and certainly no evidence of a weapon used in the robbery so that he felt the robbery charge was the only proper charge to bring in the indictment. For the reason that applicant has actually served slightly more than the minimum sentence for

robbery, the Board recommends his sentence be commuted due to this error of indictment.

Respectfully submitted,

(Sgd) ROY E. FURMAN—Dissents,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Lockhart, 5810-C, No. 8889, February session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of James Lockhart, convicted of murder in the second degree in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on March 24, 1943, computed from March 9, 1943 be commuted from 20 years to 14 years 4 months expiring on July 9, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until March 9, 1963.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John McBrearty, 4738-A, No. 7960, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of John McBrearty, convicted of being armed to rob; burglary; larceny; receiving stolen goods in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on April 24, 1940 computed from March 30, 1940 be commuted from 30 years to 17 years, 3 months, 8 days, expiring on July 8, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until March 30, 1970.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph McElligott, D-7440, No. A-2302, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Joseph McElligott, who plead guilty to offenses of rape, sodomy and prison breach in the Court of Oyer and Terminer and Quarter Sessions of Bucks County on October 5, 1943, computed on from September 17, 1943 be commuted from 18 years, 6 months to 13 years, 8 months, 10 days, expiring on May 27, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-nine years of age. He, with an accomplice, both of whom had been drinking, picked up a woman and drove in their automobile to Bristol, Penna. Both men attacked this woman assaulted her and had intercourse with her. The following day the applicant and accomplice were arrested, and while confined in the Bucks County Prison awaiting trial, they attempted to escape.

While confined in the penitentiary the authorities report that the applicant's conduct has been satisfactory and that since 1948 he has demonstrated his stability. He has also developed a habit of thrift.

The trial judge is deceased and the President Judge, Honorable Edward G. Biester, states that he is "content to rely upon the judgment of the Board as to the proper disposition of this petition." Likewise, the District Attorney of Bucks County expressed to the parole agent the same viewpoint as Judge Biester.

The accomplice, Gene Capone, had his sentence commuted by the Board of Pardons in September 1953. This applicant has already served thirteen and one-half years of his minimum sentence.

The Board is informed that a parole program will be provided for the applicant before he is released. The Board is of the opinion this applicant will conduct himself in the future as a law-abiding citizen. The Board believes he has learned a lesson which was a costly one for him and that he has come to realize this fact during his years of incarceration. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN—Dissents,
Lieutenant-Governor.

(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Manifee, 1619-D, No. A-3968, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of James Manifee, convicted of robbery, together with other persons in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on November 23, 1938, computed from November 18, 1938 be commuted from 20 years to 18 years, 8 months, expiring on July 18, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until November 18, 1958.

For the reason that this applicant has served a long time on parole, and further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Jasper Page, 6664-C, No. A-3967, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Jasper Page, convicted of statutory rape in the Court of Oyer and Terminer of Clearfield County on May 17, 1943, computed from February 22, 1943 be commuted from 15 years to 14 years, 4 months, 15 days, expiring on July 7, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But

for this action the applicant, because of his sentence, would remain on parole until February 22, 1958.

For the reason that this applicant has served a long time on parole, and further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Palli, E-3368, No. A-1415, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of James Palli, who plead guilty to the offenses of burglary, larceny and conspiracy in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on November 6, 1952 be commuted from 5 years to 4 years, 6 months, 20 days, expiring on May 26, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-five years of age. He, together with two accomplices, was involved in a series of burglaries and larcenies consisting largely of equipment and materials from various contractors doing business in Delaware County. The total loot was estimated to be about Four Thousand Dollars.

The Board was advised by the President Judge, the Honorable Henry G. Sweney, that the trail judge, the Honorable Harold L. Ervin, is not in favor of commutation as he feels the minimum should be served. The district attorney of Delaware County stated that his office would have no objection to a favorable consideration of this application.

The prison authorities report that the applicant's conduct is satisfactory. He has an unblemished record.

The applicant has practically completed his minimum sentence and in view of his fine record in the prison and penitentiary, the Board believes that this young man has learned a lesson which will influence him to observe the law, and in the future, he will be a law-abiding citizen. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Reddicks, 5218-E, No. A-3981, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of John Reddicks, who plead guilty to the violation of liquor laws in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on March 5, 1956 be commuted from 2 years to 1 year, 2 months, 20 days, expiring on May 25, 1957.

Our reasons for making this recommendation are as follows:

This applicant is sixty-six years of age. He was arrested for the sale of a half pint of untaxed whiskey and when his apartment was raided they found a larger quantity of untaxed whiskey.

The trail judge, the Honorable Arthur P. Bretherick, felt that the applicant should serve at least one year of his minimum sentence. Likewise, the district attorney of Delaware County opposed release until he had served his minimum sentence of two years.

The applicant has a prior record of the sale of liquor and possession of narcotics. At present the applicant is confined in the Delaware County Prison Hospital and his condition is serious. The latest report the prison gives us indicates that he has been on digitalis and mercurials for the last few months and has lost considerable weight and has become decisively weaker. The applicant weighed about 260 lbs. when admitted and now weighs 170 lbs.

At the hearing before the Board it was stated that the applicant would probably die if confined very much longer. It was also stated that the applicant is a veteran and he will be admitted to a veteran's hospital if released.

Under the Act of 1901 he is eligible for release on October 5, 1957. The Board, however, is impressed with the fact of the serious health condition and feels that if released promptly he may have the benefit of attention at a veterans' hospital. The Board, therefore, recommends commutation.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Frederick Schoeffling, E-5535, No. A-3799, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Frederick Schoeffling, convicted of voluntary manslaughter in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on June 3, 1953, computed from August 10, 1954 be commuted from 4 years to 2 years, 9 months, 10 days, expiring on May 20, 1957.

Our reasons for making this recommendation are as follows:

This applicant is nineteen years of age. The offense for which he was found guilty involved a tavern fight

between a group of people. It appears that all involved in this fight had been drinking. In the fight the victim was stabbed, and subsequently died of his wounds.

The applicant has conducted himself, according to the prison staff, in an excellent manner except that he was involved in a fight with another inmate about one year ago. Otherwise, his record is unblemished. The applicant had no previous record and this was his first offense.

The representative of the district attorney's office of Philadelphia County stated to the Board that he was not opposed to the granting of clemency in this matter. Likewise, the trail judge, the Honorable Charles A. Waters, has no objection to the granting of commutation as the conduct of the applicant in the penitentiary has been satisfactory. The Board also has received from friends and neighbors of the applicant, letters indicating their interest in this young man and belief that this experience will prove to be a most salutary lesson.

This young man has applied himself most diligently at the penitentiary, and is now classified as a lino-typist in the Print Shop. The Board is informed that he will be able to procure a position with one of the Philadelphia newspapers in that capacity.

The Board believes that this young man has demonstrated that he is capable to take his place in society by preparing himself for a very technical trade. The Board, therefore recommends commutation.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
NOT VOTING—Disqualified Himself,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Maude L. Smith, 2872, No. A-3987, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Maude L. Smith, who plead guilty to murder in the first degree in the Court of Oyer and Terminer of Philadelphia County on February 19, 1952, computed from October 4, 1951 be commuted from life imprisonment to 5 years, 7 months, 20 days, expiring on May 24, 1957.

Our reasons for making this recommendation are as follows:

This applicant is fifty-one years of age. Her offense consisted of taking the life of a man, then about sixty years of age, who had entrapped her daughter. It appeared from the record that he not only induced this young girl to learn to drink but provided her with so much liquor that she became subject to Delirium Tremens. The applicant plead with this man to cease his attentions but the victim continued to pay attention to her daughter and finally in her effort to stop his actions she took the life of the victim.

One of the trail judges, the Honorable Vincent A. Carroll of Philadelphia, stated that this sentence could properly be commuted at the expiration of five years, provided, of course, that there is a good parole program for the applicant. The letter, of course, explains his position in a case of this character. The representative of the District Attorney stated that he had no recommendation to make other than to rely upon the discretion of the Board.

The applicant had no previous record although she had been arrested for aggravated assault and battery but

the case never came to trial.

Since her incarceration the applicant has made an excellent adjustment and has cooperated with the prison authorities. The Board has in its record a statement from the State Industrial Home at Muncy that the Court, in committing the applicant to the Home, made the suggestion, to wit: "This Court believes that in no event should her term be more than five years, and that will be our sentence." The letter from Judge Carroll confirms this statement.

The Board is informed that a satisfactory parole program will be worked out with this applicant and, therefore, recommends that her sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Edward S. Sobierajski, 5845-D, No. A-3099, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Edward S. Sobierajski, convicted of burglary in the Court of Oyer and Terminer of Bucks County on June 5, 1945, computed from May 16, 1945 be commuted from 15 years to 12 years, 2 months, expiring on July 16, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until May 16, 1960.

For the reason that this applicant has served a long time on parole, and further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Percy Washington, 2096-D, No. 6312, February Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Percy Washington, convicted of robbery, armed to rob in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on January 27, 1938, computed from January 15, 1938 be commuted from 50 years to 19 years, 6 months, expiring on July 15, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until January 15, 1988.

For the reason that this applicant has served a long time on parole, and further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Preston Adams, 7247-D, No. A-3995, March Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Preston Adams, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on February 14, 1946, computed from January 8, 1946 be commuted from 15 years to 11 years, 6 months, expiring on July 8, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until January 8, 1961.

For the reason that this applicant has served a long time on parole, and further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Wash Baxter, B-8208, No. 6811, March Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Wash Baxter, convicted of murder in the first degree in the Court of Oyer and Terminer of Washington County on May 18, 1942 be commuted from life imprisonment to 15 years, 1 month, expiring on June 18, 1957.

Our reasons for making this recommendation are as follows:

This applicant is sixty-three years of age. The applicant, in company with the victim, was drinking and playing cards whereupon the victim threatened the applicant with a knife. Shortly thereafter the victim left the home of the applicant and returned and tried to reenter the premises. The wife of the applicant barred his entry whereupon the victim started around the house and the applicant met him in the alley with a rifle and fatally shot him.

The trial judge is deceased. However, the Honorable David H. Weiner, wrote the applicant stating: "I have felt for some time that you should have had your sentence commuted several years ago." Likewise, Honorable Roy I. Carson, the President Judge, wrote the Board that he would not have any objection to the applicant being placed on parole. The district attorney stated to the parole agent that he had no objection to the granting of clemency of this applicant.

The penitentiary staff states that this applicant holds a trusted position outside the prison walls, and that his conduct has been exemplary and they, too, recommend clemency. The Board has been assured that a proper parole program will be provided and this applicant will be under the supervision of our parole system for the remainder of his life. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of George Bondy, 5581-B, No. A-4000, March Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of George Bondy, convicted of burglary, larceny, receiving stolen goods in the Court of Quarter Sessions of Westmoreland County on September 27, 1949, computed from September 7, 1949 be commuted from 20 years to 7 years, 10 months, expiring on July 7, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the

applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until September 7, 1969.

For the reason that this applicant has served a long time on parole, and further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Celie Butler, 1493, No. A-3357, March Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Celie Butler, convicted of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on May 17, 1940 be commuted from life imprisonment to 17 years, 1 month, expiring on June 17, 1957.

Our reasons for making this recommendation are as follows:

This applicant is sixty-two years of age. The applicant shot her husband, who had become infatuated with the wife of his son. The applicant had informed the police of this situation and the girl was advised to get out of town. This she did not do and the wife fatally shot her husband, using a shot gun, while he was asleep in bed.

The trial judge, the Honorable J. Frank Graff, stated that he would be satisfied with any action the Board would take in this case. The assistant district attorney stated to the Board that he was opposed.

The prison staff reports that this woman has made a remarkable adjustment. She had no prior criminal record of any type, and her behaviour is exemplary. The authorities say she has asserted a good influence over the other inmates; has respected authority and is deeply religious. Her health is very poor.

The Board is of the opinion that this applicant, although under an emotional strain, used extreme measures in correcting a serious situation. However, since she is completely rehabilitated there is every likelihood that she will, if released, live a law-abiding life. A parole program has been set up for her and she will be under the supervision of the Board of Parole for the remainder of her life. The Board, therefore, recommends her life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Cincala, B-5390, No. A-4020, March Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of John Cincala, who plead guilty of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on February 9, 1937 be commuted from life imprisonment to 20 years, 4 months, expiring on June 9, 1957.

Our reasons for making this recommendation are as follows:

This applicant is sixty-eight years of age. The details of the crime are briefly that the applicant had over-indulged in alcoholic beverages and upon his return home he became involved in a fight with his wife over the preparation of the evening meal. He chased his wife from the kitchen into the back yard and before his two sons could get to the applicant, he fatally stabbed her.

The trial judge is deceased and the President Judge, the Honorable William H. McNaugher, stated he had no information or recommendation to make in the matter. The assistant district attorney of Allegheny County stated to the Board that because of the age of the applicant, the number of years of imprisonment, and the excellent record that he has maintained, he is not opposed to the granting of a commutation.

The prison staff states that that he has maintained an excellent record over the period of twenty years and they recommend favorable consideration. It is also significant that he has saved over eight hundred dollars of his institutional earnings. The applicant entered the penitentiary as an illiterate man and he has now acquired an education over the years.

The Board is of the belief that the long time this man has been incarcerated and his present age and the stability and adjustment that he has demonstrated would indicate that he will conduct himself as a law-abiding citizen. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Willard E. Comer, Jr., C-1545, No. A-2617, March Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Willard E. Comer, who plead guilty of burglary, larceny; VFA; possession burglary tools, carrying explosives in the Court of Quarter Sessions of Washington County on March 3, 1950, computed from January 23, 1950 be commuted from 8½ years to 7 years; 4 months, 20 days, expiring on June 13, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-six years of age. The applicant, accompanied by two other men, entered the Moose Club at Bentleyville and burglarized the place. The police had this group under surveillance for some time and when they were apprehended shortly after the burglary the police found revolvers, dynamite, burglary tools, etc. in the automobile.

The trial judge is deceased, but the President Judge, the Honorable Roy I. Carson, stated that he is not in favor of granting commutation. The district attorney likewise stated to the Parole Agent that he was opposed to the granting of clemency.

This applicant had practically no prior record and as far as we can learn was never in prison. The penitentiary staff reports that he is a good inmate, does not appear to be hardened or criminally inclined. In view of these facts clemency is recommended by the penitentiary staff.

The Board has been assured that a good parole program will be in operation for this applicant. The applicant will have served almost all of his minimum sentence before he is released. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN—Dissents,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Abbie Marie Cottrell, 2228-D, No. 8843, March Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Abbie Marie Cottrell, convicted of accessory before and after the fact to statutory rape in the Court of Quarter Sessions of Allegheny County on March 7, 1944, computed from same day, be commuted from 15 years to 13 years, 4 months, expiring on July 7, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until March 7, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Dominic Francis D'Amico, 3301-D, No. 8309, March Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Dominic Francis D'Amico, convicted of being armed to rob., etc. in the Court of Quarter Sessions and Oyer and Terminer of Philadelphia County on March 15, 1940, computed from February 27, 1940, be commuted from 20 years to 17 years, 4 months, 10 days, expiring on July 7, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until February 27, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Leon De Leon, No. A-4025, March Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Leon De Leon convicted of larceny of automobile, receiving stolen goods, operating without consent in the Court of Quarter Sessions of Philadelphia County on January 30, 1931; and further convicted of larceny and receiving stolen goods in the Court of Oyer and Terminer of Delaware County on April 13, 1933; and plead guilty to larceny, receiving stolen goods in the Court of Quarter Sessions of Delaware County on April 13, 1933; and further convicted of larceny and receiving stolen goods in the Court of Quarter Sessions of Philadelphia County on March 6, 1936; and further convicted of Violation of the Pennsylvania State Liquor Control Act in the Court of Quarter Sessions of Philadelphia County on February 16, 1937, be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is forty-three years of age. He was involved in offenses in both Delaware and Philadelphia Counties with his brothers. He has not been involved

in any criminal offenses whatsoever since 1937.

The district attorney of Delaware County states that he has no objection to a favorable consideration of this application. The trial judge is deceased and the Board received no comment from the present judicial bench of Delaware County. The representative of the district attorney of Philadelphia County stated that he was not opposed, although we did not hear from the trial judge of Philadelphia County.

The Board has a letter from the pastor of the church speaking very highly of the applicant's exemplary conduct. The parole agent reports that this applicant is a most successful businessman and bears a good reputation in his community. He operates a luncheonette which showed a gross earning of \$52,000 in 1956.

The Board believes that this applicant, who has conducted himself in a satisfactory manner for the past twenty years, should be granted a pardon, and so recommends.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Michael De Leon, No. A-4026, March Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Michael De Leon, convicted of Larceny and Receiving Stolen Goods in the Court of Oyer and Terminer of Delaware County on April 13, 1933; and further plead guilty to the offense of Violation of the Liquor Law in the Court of Quarter Sessions of Delaware County on January 4, 1938, be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is thirty-five years of age. He was sentenced for from 1 to 3 years for the offense of possession of stolen goods and suspicion of larceny and was fined Three Hundred Dollars. This applicant was also, together with his three brothers, accused of stealing accessories from an automobile and for possession of untaxed alcohol. He was sentenced to 3 months in the Delaware County Prison, or to pay a fine of \$300.00, and he paid the fine.

The district attorney of Delaware County stated that he was not opposed to favorable consideration of this application. There was no response from the bench of Delaware County.

The Board is in receipt of a letter from the pastor of the applicant's church recommending that the Board consider most favorably the application and further stating that the applicant was a member in good standing and a credit to the community.

The applicant is now employed by the Pennsylvania Tidewater Terminal Dock as a repairman and since 1934 he has conducted himself in a most satisfactory manner. The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Howard Wesley Freas, No. A-4013, March Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Howard Wesley Freas, who plead guilty to larceny and burglary in the Court of Quarter Sessions of Lycoming County on October 9, 1956, computed from September 12, 1956 be commuted from 10 months to 8 months 20 days expiring on June 2, 1957.

Our reasons for making this recommendation are as follows:

This applicant is twenty-two years of age. The offenses consisted of holding up several women and robbing them of their purses, likewise entering the premises of three individuals and stealing merchandise of small value.

This is the first offense of this applicant although he did serve a short term in the Army Disciplinary Barracks at Fort Leavenworth, Kansas.

The parole investigator states that the trial judge, the Honorable Charles F. Greavy, had no objection to the commutation of the minimum sentence but felt that the maximum sentence should not be affected. Likewise, the district attorney of Lycoming County stated to the parole agent that he had no objection to the commutation of the minimum sentence.

The warden of the Lycoming County Prison states that the applicant's trouble may have arisen by lack of supervision and guidance in his home during his childhood. The warden further states that he has shown good conduct and continues to expend effort for self-improvement.

The applicant is married, has one child and another child is to be born very shortly.

The Board feels that this applicant can well be the subject of the mercy of the Commonwealth as he will be under supervision of the Board of Parole, and the guidance of his wife and family, who are much interested in his welfare. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Garry Griffin, E-300, No. A-1973, March Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommend that the minimum sentence of Garry Griffin, who plead guilty to murder in the second degree; assault and battery; aggravated assault and battery in the Court of Oyer and Terminer of Philadelphia County on April 26, 1948, computed from February 18, 1948 be commuted from 10 years to 9 years 4 months expiring on June 18, 1957.

Our reasons for making this recommendation are as follows:

This applicant is seventy years of age. The details of the crime are briefly that the applicant and his victim became engaged in an argument in the home of the applicant. The argument progressed to the stage of a fight in which each party threatened to cut the other with a knife. The victim came after the applicant with a knife, whereupon the applicant picked up an axe and struck the victim, fatally injuring him.

The representative of the district attorney's office stated to the Board that he was not opposed to the granting of commutation and likewise the trial judge, the Honorable Joseph L. Kun, stated that he had no objection to the commutation of the minimum sentence.

The applicant had one prior arrest of a minor nature. During his incarceration the penitentiary authorities report that he has conducted himself satisfactorily in every manner, and that he has developed a habit of thrift, having saved over sixteen hundred dollars.

The Board believes that this applicant, having spent over nine years of his ten year minimum sentence, has been sufficiently punished and, therefore, recommends that his minimum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of George Koban, No. A-4004, March Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that George Koban, convicted of assault with intent to rape in the Court of Quarter Sessions of Somerset County, on May 14, 1958 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is twenty-nine years of age. He was sentenced to pay a fine of one hundred dollars and placed on probation for a period of six months.

The applicant and his brother drove a girl home and she gave information to the police that the applicant assaulted her with intent to rape. The girl was seventeen years of age at the time. The applicant plead not guilty but was so adjudged by the jury and given a choice of a fine or a jail sentence. The applicant paid the fine. This was his first offense and his last.

The trial judge is deceased but the President Judge, the Honorable Thomas F. Lansberry, stated that he has no objections to the granting of clemency. Likewise, the district attorney of Somerset County stated that he was willing to abide by the Board's decision.

The applicant is now living in Philadelphia and a letter from his pastor states that his religious life sets a good example to all his associates, and he has also demonstrated his devotion to his family. The applicant is at

present employed as a machinist at the Yale and Towne Company. He is desirous of receiving a pardon so that his record may be cleared and that he may have employment opportunities that seem to be denied him at the present time because of this offense. The record as stated indicates that the young man has lived a law-abiding life for the past ten years and there is no reason to doubt that he will not continue to be an exemplary citizen. The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Walter Koprivich, 2317-B, No. A-1024, March Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Walter Koprivich, convicted of burglary, in the Court of Oyer and Terminer of Washington County, on February 10, 1950, computed from January 27, 1950, be commuted from 15 years to 7 years, 5 months, 10 days, expiring on July 7, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until January 27, 1965.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Raymond Lachawiec, D-5887, A-1210, March Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence

of Raymond Lachawiec, convicted of murder in the first degree in the Court of Oyer and Terminer of Philadelphia County on July 1, 1941, computed from July 1, 1940 be commuted from life imprisonment to 16 years, 9 months, 11 days, expiring on June 12, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty-two years of age. The story of the offense is briefly that the applicant and the victim were in a neighborhood taproom and the victim called the wife of the applicant a whore. This so enraged the applicant that he got a revolver and hunted up the victim and shot him.

The trial judge, the Honorable Louis E. Levinthal, expressed to the Board his opinion as to the merits of this application, stating that this was a crime of passion more than one of premeditation. The representative of the District Attorney's office stated to the Board that this crime was one of passion and not a premeditated one, and that, therefore, his office did not oppose the commutation of sentence.

The authorities at the penitentiary state that this applicant has continued to maintain a satisfactory conduct report; that he has become a skilled worker and has become more mature and gained some understanding of his problems.

The Board is advised that this applicant has a satisfactory parole program and will be under the supervision of the Parole Board for the remainder of his life. The board, believing that this applicant will not again offend against the laws of society, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Miguel Muniz, No. A-4012, March Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Miguel Muniz, convicted of aggravated assault and battery with intent to kill in the Court of Quarter Sessions of Washington County, on June 21, 1941 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is sixty-one years of age. He was given a suspended sentence and fined five hundred dollars for aggravated assault and battery in 1941. The facts of the offense are that the applicant came home and found his wife with her ex-husband. A fight ensued and the ex-husband grabbed a chair and started swinging it. The applicant grabbed a paring knife and cut the ex-husband on the hand and face.

The trial judge is retired, and the President Judge, the Honorable Roy I. Carson, wrote the Board that he saw no reason for clemency. However, the report of the Parole Board indicates that Judge Carson, after being acquainted with the applicant's excellent work record and satisfactory adjustment stated he would not oppose the application. Likewise, the assistant district attorney advised the agent that they would not oppose the granting of a pardon.

Since his offense in 1940 the applicant has not become involved in any violation of the law. The applicant is

married and he has been notified that he is subject to deportation unless he secures a pardon for this offense. It appears that in 1929 the applicant was found guilty of second degree murder in West Virginia and was released on parole in 1936. In 1939 a violation of the Firearms' Act was nolle prossed.

The applicant has been employed by the American Steel and Wire Company, Donora, Pa., for the past twenty years. His employer writes he is a satisfactory employe. The sheiff of Washington County and the police department of Donora testify to his excellent conduct and record.

The Board takes into consideration the fact that he has been in no further trouble and the fact that he will be deported unless he receives a pardon, and recommends a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Arthur Parker, E-878, No. A-2344, March Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Arthur Parker who plead guilty to armed robbery; assault to kill and resisting arrest; assault and battery and aggravated assault and battery in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on February 14, 1949, computed from February 2, 1949 be commuted from 19 years to 8 years, 4 months, 10 days, expiring on June 12, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty years of age. The story of his offense is briefly that the applicant entered several homes in Philadelphia and likewise was involved in two hold ups. The applicant was discovered by the police and pistol shots were exchanged between the police and the applicant in the chase.

The trial judge, the Honorable Joseph L. Kun, stated that he would rely upon the Board as to their best judgment in the matter in view of the fact that the applicant has not quite served one-half of his minimum sentence. The representative of the district attorney stated that he was not opposed to the granting of commutation in view of the excellent adjustment and rehabilitation that this applicant has undergone while confined.

The penitentiary staff reports that the applicant had no previous criminal record and has earned an excellent conduct record. He has become a skilled pressman through the training received at this institution and has made excellent educational advancement. He is now a mature and responsible man.

The Board understands that an adequate parole program will be arranged for this applicant and the Board believes that this person will no longer live a life of crime but will become a credit to society. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Pete Prenni, C 131, No. A 2767,
March Session, 1957.

To His Excellency, the Governor of the Commonwealth
of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Pete Prenni, convicted of murder in the first degree in the Court of Oyer and Terminer of Indiana County on April 21, 1947 be commuted from life imprisonment to 10 years, 1 month, 21 days, expiring on June 12, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-six years of age. The facts of the crime are briefly that the applicant stopped at the home of the victim, a seventy year old woman, late in the evening. The following day she was discovered, beaten to death. The applicant was arrested and plead not guilty. However, the jury so adjudged him.

The trial judge, the Honorable E. E. Creps, stated in 1956, that he understood the applicant is suffering from an incurable disease in its last stages, and if the Board found that to be a fact he would have no objection to the Board showing leniency. The district attorney stated to the parole investigator that he would rely upon the Board as to their decision.

The applicant, from all reports, as late as February of this year, is suffering from muscular dystrophy and his condition is increasingly progressive. At present he is confined to his bed in the penitentiary. It was stated to the Board that this applicant cannot live very long.

The prison staff states: "We recommend clemency because of his very poor physical condition." The staff also expressed the opinion that for the sake of humanity mercy be extended to this applicant.

Although this applicant is serving a life sentence for murder, the dictates of humanity indicate that mercy can well be extended so that he may spend his remaining days beyond the prison walls. The Board, therefore, recommends that a commutation be granted this applicant whose days on this earth are numbered.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Alonzo Ramsey, B-730, No. 2291,
March Session, 1957.

To His Excellency, the Governor of the Commonwealth
of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommend that the maximum sentence of Alonzo Ramsey, convicted of robbery, receiving stolen goods and larceny of automobile in the Court of Oyer and Terminer and Quarter Sessions of Allegheny County on April 13, 1928, be commuted from 34 years to 29 years, 3 months, expiring on July 13, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until April 15, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Victor Anthony Rosciolo, E-5277,
No. A-3508, March Session, 1957.

To His Excellency, the Governor of the Commonwealth
of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Victor Anthony Rosciolo, convicted of cheating by fraudulent pretense and fraudulent conversion in the Court of Oyer and Terminer and Quarter Sessions of Lancaster County on December 15, 1954 be commuted from 4 years to 2 years, 8 months, 16 days, expiring on September 1, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-five years of age. His offense consisted of purchasing products in the Lancaster County area for which he gave the farmers checks that were worthless. The amount involved is in the neighborhood of five hundred dollars.

The trial judge is deceased and the President Judge, the Honorable Joseph B. Wissler, wrote the Board: "I am satisfied to have your Board use its own judgment and discretion in this matter." The district attorney stated that he was wholly opposed to any consideration or clemency in accord with his statement to the parole investigator.

The applicant's wife appeared before the Board on his behalf, with his two sons, and pleaded that the applicant be released in order to help the family maintain itself as a unit.

The applicant had no previous record. He has a favorable prison record and the Board believes that this experience that he has undergone will prove a deterrent to any further violation of the law. His parole program has been arranged. We believe that the Commonwealth will have no further difficulty with this applicant in the future and the Board, therefore, recommends that his sentence be commuted to expire September 1, 1957.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Sawchak, C-3362, No. 9615, March Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William Sawchak, convicted of armed robbery and burglary in the Court of Oyer and Terminer of Allegheny County on January 12, 1945, computed April 1, 1954 be commuted from 5 years to 3 years, 2 months, 11 days expiring on June 12, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-one years of age. The applicant was arrested for robbery of a gas station and on his way to the penitentiary he tried to escape and shot a state policeman in the attempt. For this offense he received a 9½ to 19 year sentence to be followed by a 5 to 10 year sentence for the armed robbery and burglary of the gas station.

The applicant served his minimum sentence for the escape and shooting and was paroled to start the 5 to 10 year sentence. He has served almost 3 years of his 5 year minimum for this offense, and has been continuously confined for over 11 years.

The trial judge, the Honorable William H. McNaugher, writes the Board that as of November 1956 he withdraws any prior objection to the granting of commutation, and further states that he relies upon the Board to make whatever decision the Board believes proper. The assistant district attorney of Allegheny County stated to the Board that his office had no objection to the granting of commutation, believing that this man has made a complete reformation of his life.

The penitentiary staff states that his general adjustment has been excellent and that he seems to have matured considerably with advancing age. There are several detainers lodged against this man which may, or may not, be lifted prior to his release.

The Board believes that this man's rehabilitation is such that he will not offend against the laws of society in the future and therefor, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN—Dissents,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John W. Smith, E-1929, No. A-2227, March Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John W. Smith, who pleaded guilty to murder in the second degree in the Court of Quarter Sessions of Philadelphia County on October 5, 1950, computed from July 2, 1950 be commuted from 8 years to 6 years, 11 months, 10 days, expiring on June 12, 1957.

Our reasons for making this recommendation are as follows:

This applicant is fifty-three years of age. The story of the crime is, briefly, that the applicant was ejected from an apartment of which the victim was the custodian. The parties had been drinking and the applicant had been ejected three of four times from the apartment. Blows were exchanged on several occasions. On the evening of the fatal killing the victim again struck the applicant who drew his pocket-knife and stabbed the victim fatally. The Commonwealth witnesses agreed that the applicant was not doing anything wrong in the victim's home and that the victim's attack upon the applicant was unwarranted.

The trial judge, the Honorable Byron A. Milner, expressed the opinion that the applicant should serve at least his minimum sentence. However, the representative of the district attorney's office stated to the Board that the applicant had been sufficiently punished and stated also that he would not oppose commutation at this time.

The penitentiary staff reports that the applicant has established and maintained an unblemished disciplinary record and has performed most adequately a job of trust during the past four years. He is quite mature and demonstrates a very favorable attitude.

This applicant had a minor record of one juvenile conviction and the Board believes that he has become sufficiently adjusted so that his conduct in the future will be that of a law-abiding citizen. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Roy Smith, E-7148, No. A-1585, March Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Roy Smith, who plead guilty to burglary in the Court of Quarter Sessions of Delaware County on February 6, 1953, computed from January 25, 1957, be commuted from 1 year to 4 months, 20 days, expiring on June 15, 1957.

Our reasons for making this recommendation are as follows:

This applicant is twenty-nine years of age. He had been sentenced for the crime of burglary and larceny in 1951 for from 6 to 20 years and at the same time received a

suspended sentence of 1 to 5 years. During the service of his 6 to 20 year sentence he presented a writ of habeas corpus to Judge Arthur P. Bretherick. The Judge stated in a letter to William L. O'Hey, Jr., Esquire, Norristown, that he punished the applicant for his alleged perjured statements in the writ (as well as to deter prisoners from presenting writs of habeas corpus where there was absolutely no justification for the same) by revoking the probation of the 1 to 5 year sentence, and making it a part of the sentence. The applicant served the minimum sentence of his 6 year sentence and has started to serve the 1 year additional sentence.

The trial judge wrote to the Board of Pardons in February 1957 stating: " * * * I believe that Smith had paid his debt to society and that I would offer no objection to the granting of parole to him * * *."

The District Attorney of Delaware County wrote the Board that he was objecting to a granting of commutation "because the prior record of the applicant does not warrant an early commutation of his minimum sentence."

The Board, believing that the applicant is serving the additional sentence of 1 to 5 years because the trial judge, the Honorable Arthur P. Bretherick was displeased when a writ of habeas corpus was filed, and taking into consideration the fact that the Judge, before the hearing of this applicant wrote the Board as set forth above, recommends that the sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Bernard Starnes, E-4449, No. A-3915, March Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Bernard Starnes, convicted of involuntary manslaughter; voluntary manslaughter in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on April 12, 1954, be commuted from 4 years to 3 years, 2 months, expiring on June 12, 1957.

Our reasons for making this recommendation are as follows:

This applicant is twenty-three years of age. The story of the offense is briefly that the applicant and his victim were engaged in a fight and two others joined in the affray. The victim was beaten and kicked severely causing his death. The real reason for the fight was that the applicant was accused of paying attention to the wife of the victim. There had been a previous encounter between the parties at which time the victim had severely cut the applicant with a knife.

The trial judge, the Honorable Byron A. Milner, wrote the Board that the applicant should serve at least three years of his minimum sentence. Likewise, the district attorney's office of Philadelphia County stated that he was not opposed to the granting of commutation.

The penitentiary authorities states that since this applicant has proven his good qualities and determination to improve himself, it is the unanimous opinion of the staff that this is a case worthy of special consideration as it is felt that nothing could be gained by his continued confinement.

The applicant had no previous record except a juvenile offense and since he has served nearly three years of his minimum sentence of four years, and when released no doubt will have served more than three years, the Board recommends commutation.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Bernard D. Weber, 4263-B, No. A-4021, March Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Robert E. Rohrbach, convicted of burglary, in the Court of Oyer and Terminer of Allegheny County on December 15, 1948, computed from October 30, 1945, be commuted from 15 years to 11 years, 8 months, 7 days, expiring on July 7, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until October 30, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Walter Howard Baker, No. A-999, April Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Walter Howard Baker, convicted of assault and battery, aggravated assault and battery, etc., in the Court of Oyer and Terminer of Fayette County on July

22, 1949, computed from July 2, 1949, be commuted from 20 years to 8 years, expiring on July 2, 1957.

Our reasons for making this recommendation are as follows:

This applicant, who is twenty-nine years of age, together with an accomplice, became involved in a dispute with the victim over the return of a loan of \$20.00. The applicant, it appears, struck the victim in the mouth with a gun butt and then the accomplice and applicant severely beat the victim and took \$114.00 from him.

The applicant was paroled on January 2, 1953 and moved with the permission of the Parole Board to the state of Michigan, where he is employed by the Lamina Tool and Die Company in Bellaire. Since his release in 1953 the applicant has conducted himself in a law abiding manner.

The Michigan State Parole Board has written the Pennsylvania Board of Parole recommending that the applicant be granted a final discharge from parole supervision. The Pennsylvania Board of Parole concurs in the recommendation and states they have no objection to the commutation of the maximum sentence. The applicant, prior to his conviction for this offense had no criminal record and since his release this young man has shown that he is making a fine adjustment and is doing everything to live a law abiding life. The applicant is married and has four children. He is anxious to be relieved from parole so that his children will have no memory of the applicant's parole supervision.

In view of the fact that the applicant has conducted himself so admirably on parole, both in Pennsylvania and Michigan, and he desires to be relieved from further supervision, the Board recommends that his maximum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Michael N. Bartel, D-9483, No. A-2298, April Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Michael N. Bartel, convicted of burglary in the Court of Oyer and Terminer of Lackawanna County on January 31, 1947, computed from January 14, 1947, be commuted from 12 years to 10 years, 5 months, 14 days, expiring on June 28, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty-three years of age. He plead guilty to the offense of entering private dwellings and stealing sums of money. The record indicates he entered 14 dwelling houses in the course of 1½ years.

The trial judge, the Honorable Michael J. Eagen, stated to the Parole agent that he would rely upon the decision of the Board. The Board received no expression from the district attorney as to the merits of this application.

During the confinement of the applicant he has had a satisfactory institutional record and has continued doing a creditable job on any assignment involving maximum responsibility with minimum supervision. The staff unanimously recommends that the applicant's request be given favorable consideration as they believe this to be the

optimum time for his release.

A parole program will be prepared and approved by the Board of Parole if this applicant is released.

The Board is of the opinion that this applicant, having served almost his entire minimum sentence, is now ready for release and believes that there is every indication that he has properly adjusted so that he will become a deserving member of society. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
NOT SITTING
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William E. Brown, C-8874, No. A-862, April Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of William E. Brown, convicted of murder in the first degree in the Court of Oyer and Terminer of Philadelphia County on April 21, 1933, be commuted from life imprisonment to 24 years, 3 months, 7 days, expiring on June 28, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty-two years of age. He plead guilty to the crime of murder involving a little girl and under questioning admitted that he had forced the victim to have intercourse with him. When she screamed in terror he gagged her, causing her death by suffocation. The applicant had a juvenile record prior to his arrest and conviction for this crime.

At the time of the commission of this offense the applicant was about seventeen years of age. Since his incarceration the prison staff reports that he has made a good adjustment in the institution and has demonstrated stability in his prison contacts and work assignments. He is very cooperative and appears to be sincere. His work record has been most satisfactory.

The trial judge is deceased but a letter from the Honorable Francis Shunk Brown, Jr., expressed opposition to the granting of this application. However, the district attorney stated that he was not opposed, as the applicant had been interviewed by him and was found to be a pleasant and quiet individual and it was believed that, if released, he would not again offend against the laws of the Commonwealth.

Although the crime which the applicant committed was an atrocious one, the Board believes that the past quarter century served in prison has been sufficient to rehabilitate him and fit him to take his place in society. The Board feels that this applicant is now ready for release and recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Michael Estock, B-9300, No. A-4044, April Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Michael Estock, convicted of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on May 25, 1945, be commuted from life imprisonment to 12 years, 1 month, 3 days, expiring on June 28, 1957.

Our reasons for making this recommendation are as follows:

This applicant is sixty-nine years of age. The facts of the crime are briefly that the applicant had borrowed some money from a good friend of his and there arose a dispute as to the payment of this loan. The applicant's son had just been killed in the war and this disturbance of mind and heart, together with rumors that his friend was about to foreclose on his home because of this debt, upset him so much that he entered his friend's residence, found him in bed and killed him by stabbing him in the chest with a knife. The applicant promptly gave himself up to the police and was tried and convicted of this offense.

Since his incarceration the penitentiary reports that his conduct has been exemplary. However, on account of his age he has been unable to advance himself educationally and his work has largely been that of a laborer in and about the penitentiary. The Board has been informed that his mental condition is satisfactory. Physically he is in good condition except that age has impaired his normal physical powers. The applicant had no previous criminal record.

The trial judge is deceased and the President Judge, the Honorable William H. McNaugher, had no information on the case. The district attorney of Allegheny County felt that the application was premature. The Board, however, is of the opinion that this man, who is well advanced in years, is deserving of the clemency of the Commonwealth. He has a home to go to and also enjoys a small pension that will keep him comfortably. The Board, therefore, recommends commutation of his sentence.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Mack Evers, 1698-C, No. 8821, April Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Mack Evers, convicted of robbery and being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on March 15, 1938, computed from March 4, 1938, be

commuted from 60 years to 19 years, 4 months, 10 days, expiring on July 14, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until March 4, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Angelo Ferrero, No. A-4049, April Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Angelo Ferrero who plead guilty to the offenses of felonious entry and larceny of automobile in the Court of Quarter Sessions of Dauphin County, on January 28, 1932, be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is forty-five years of age. He was sentenced by the Quarter Sessions Court of Dauphin County for the offense of felonious entry and larceny of an automobile in January 1932 and placed in custody of the probation officer. He was released from probation on January 20, 1933. The young man was but nineteen years of age at the time of the commission of this offense.

The applicant moved to New York City and the New York Parole Board informs us that they have no record of this applicant. The only information they have is that he is presently residing in Clinton, Staten Island. It is evident that this applicant has conducted himself as a law abiding citizen since his discharge from probation.

At present the applicant is employed by one of the high class restaurants in New York City, the Chapeau Rouge, located at 14 East 52nd Street. He is married and lives with his wife and three daughters and from every indication enjoys a happy married life. His employer writes that he is a sober, decent law-abiding citizen of good moral character. There are several other letters in the file which speak highly of him.

The applicant is requesting a pardon so that he can establish himself in business with a clear record. The Board believes that this applicant, who has lived a law-abiding life for a quarter of a century and who now desires that his record be clear in order to advance himself is deserving of the clemency of the Commonwealth and, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Larry J. Gray, D-9410, No. A-2309, April Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Larry J. Gray, convicted of robbery, etc., and burglary, etc. in the Court of Quarter Sessions of Berks County on January 25, 1947, computed from January 4, 1947 be commuted from 15 years to 10 years 5 months 24 days expiring on June 28, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-eight years of age. He plead guilty to burglarizing twenty-four business places in about two years, and to the hold-up of a club. In the course of the hold-up of the club a patron was shot in the back.

During his incarceration the penitentiary reports he has done very well and has never received demerits for conduct violations. He has during his confinement, sent approximately (\$1200.00 home to his family. The staff further reports that he has demonstrated unusually good stability and seems to have profited from confinement. He has been given job advancements and has demonstrated a good attitude.

The Board did not receive any information from the sentencing judge, the Honorable H. Robert Mays. The district attorney stated to the parole agent that he had no comment to make but would leave the matter to the discretion of the Board.

The applicant is divorced and if released, he will reside with a sister. A sponsor and a parole program have been arranged, which will, of course, be subject to the approval of the Board of Parole.

The Board feels that this applicant, who had no prior criminal record, and whose confinement seems to have improved him, and further has demonstrated by his conduct at the penitentiary he will prove to be a worthwhile citizen, is deserving of the mercy of the Commonwealth. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Griffin, E-2043, No. A-3362, April Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommend that the minimum sentence of James Griffin, convicted of murder in the second degree in the Court of Oyer and Terminer of Montgomery County on November 30, 1950, computed from October 16, 1950 be commuted from 10 years to 6 years 8 months 10 days expiring on June 26, 1957.

Our reasons for making this recommendation are as follows:

This applicant is fifty-nine years of age. He plead guilty to the offense of killing his victim, following a dispute over \$2.00 in a card game.

The trial judge, the Honorable Harold G. Knight, in a letter directed to the applicant stated: "While I will not oppose your application for leniency, I will not recommend it." Judge Knight further wrote the Board and stated that in his opinion this man should serve at least his minimum term. The district attorney of Montgomery County stated to the Board that he was opposed to the granting of clemency.

The Board is in receipt of a letter from the applicant's wife who protests his release at this time. The Board, however, is in receipt of a letter from the Medical Director, Dr. Nathan Blumberg, stating that the applicant has been under his care almost daily since 1950. He has a marked enlargement of the heart, severe cough, pain in the chest, severe hypertension and diabetes. His condition is permanent, and he will require medical attention for the balance of his life.

The Board is of the opinion that the physical condition of this man is of such a character that further incarceration will endanger his life, and believes that if released he could procure proper medical attention and therefore prolong his life. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN—Dissents,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Robert D. Kitzinger, B-7283, No. 2134, April Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Robert D. Kitzinger, convicted of burglary and felonious assault and battery in the Court of Oyer and Terminer and Quarter Sessions of Allegheny County on June 25, 1940, computed from December 2, 1951 be commuted from 11 years to 5 years 6 months 26 days expiring on June 28, 1957.

Our reasons for making this recommendation are as follows:

This applicant is fifty-two years of age. Briefly, the applicant and three accomplices held up a man who was involved in the numbers racket and in the course of the hold-up the applicant shot and killed the victim. The applicant plead guilty and received the sentence as set forth above. However, the applicant had violated his parole by this offense and his backtime was made concurrent with the sentence. In 1950 the backtime for parole violation was changed from concurrent to consecutive with the 20 to 40 year sentence then the 20 to 40 year sentence was reduced to 11 to 22 years. The applicant has spent 17 years in the penitentiary. He spent a portion of this time in the Farview State Hospital for the Criminal

Insane but was returned to the penitentiary as cured in 1950. It was the intention of the Court that his new sentence was to be served concurrently with the back-time for parole violation. The Court was compelled, however, to change this in view of the procedure at that time.

The penitentiary staff reports that his work and conduct records have been good. The trial judge, the Honorable W. H. McNaugher, advises the Board that the sentence was merited and only recommends that his minimum sentence be changed and not his maximum sentence. The office of the district attorney advised the Board that they are not opposed to commutation of his sentence. The Board, therefore, recommends that the sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Oscar McCray, No. A-1220, April Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Oscar McCray, convicted of murder in the second degree in the Court of Oyer and Terminer of Allegheny County on May 4, 1948, computed from November 8, 1947 be commuted from 16 years to 9 years 8 months expiring on July 8, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-five years of age. The facts of the crime briefly are that the applicant, who had been drinking, got into an argument with a stranger on the street. A fist fight ensued in which the applicant knocked the victim to the street. As a result of the falling the victim suffered a fractured skull and subsequently died.

The applicant's sentence was commuted by the Board in 1954 after serving 6½ years of his minimum sentence of 8 years. Since his release in 1954 the applicant has been under the supervision of the Board of Parole, which Board reports that his adjustment has been satisfactory. There is no opposition to the granting of commutation of the maximum sentence in order to relieve the parolee of further supervision.

The applicant is self-employed, being in the general hauling business.

The trial judge, the Honorable Walter P. Smart, writes the Board that he will concur in whatever action the Board might take in the matter. Likewise, the district attorney states that they have no objection to a commutation of his maximum sentence, as the applicant has made a very good adjustment. The Board has been advised that he has not violated his parole by any misconduct and has lived a law abiding life for the past four years. The Board, therefore, recommends that the maximum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.

(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Richard Millinder, B-7364, No. A-686, April Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Richard Millinder, convicted of murder in the first degree in the Court of Oyer and Terminer of Centre County on September 14, 1940 be commuted from life imprisonment to 16 years 9 months 14 days expiring on June 28, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-eight years of age. The applicant plead guilty to the offense of killing a young girl who was related to him by marriage. At the trial he repudiated his confession and plead not guilty. However, a jury adjudged him guilty.

The trial judge, the Honorable Ivan J. Walker, now deceased, stated to the parole agent that he would strenuously oppose the application. Likewise, the district attorney of Centre County advised the Board that he was strenuously opposed.

The penitentiary staff reports that the applicant's adjustment has been consistently good, and advises that he has been constantly assigned to positions involving trust and responsibility and there is no indication that he has ever violated that status, nor has he ever been involved in other kinds of misconduct. He is classified as "chief clerk" in the warden's office.

The Board is of the opinion that this applicant, although guilty of an atrocious crime, has demonstrated a sincere effort to improve himself. The prison authorities have again demonstrated their ability to educate, train and supervise a prisoner so that he will be qualified and fit to enter society upon his release.

The Board believes that this is the proper time for the release of this applicant, who had no previous record, and who has so completely rehabilitated himself, and, therefore, the Board recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Minar, B-6432, No. 9621, April Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of John Minar, convicted of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on November 29, 1938 be commuted from life imprisonment

to 18 years, 7 months expiring on June 29, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty-six years of age. The facts of the crime are briefly that the applicant had been drinking heavily prior to the commission of the offense and became involved in a dispute over money matters with his wife. He and his wife separated thereafter and although the applicant tried to effect a reconciliation he was repulsed. The applicant purchased a pistol and meeting his wife rather suddenly as she alighted from a street car, he was again repulsed in his attempt to speak to her, whereupon he drew the revolver and shot her four times.

The penitentiary authorities report that the applicant has, for the past eighteen years, proved himself in various positions of trust and responsibility and has earned the highest praise from his superiors. They affirm that this applicant is probably one of the most deserving inmates and they urge favorable consideration of his plea for clemency.

The trial judge is deceased and the President Judge, the Honorable William H. McNaugher, states that he has no information on the case on which to base his recommendation. The district attorney of Allegheny County stated he was not opposed to favorable consideration.

The Board was informed that the family of this applicant has been reunited and that there is every prospect that this applicant will never again violate the law. The Board, therefore, recommends commutation of his sentence.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Moses, D-8086, No. A-1433, April Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William Moses, convicted of armed robbery, etc., burglary, receiving stolen goods in the Court of Quarter Sessions of Philadelphia County on January 22, 1945, computed from December 30, 1944 be commuted from 15 years to 12 years, 6 months, expiring on June 30, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-one years of age. He, together with four accomplices was involved in a hold-up of a cigarette store wherein the clerk was shot by one of the accomplices. The applicant, who received some of the loot, acted as a look-out in the said hold-up. He had a prior record but he was still a young man at the time of the commission of this offense.

The trial judge, the Honorable Vincent A. Carroll, wrote the Board that he was opposed to the granting of a commutation. However, the district attorney stated to the Board that he was not opposed as he believed this applicant had rehabilitated himself.

The penitentiary staff states that his conduct is satisfactory and he has become quite a skilled construction and masonry worker. He also has made some progress in acquiring knowledge of carpentry. He is rated as a foreman in masonry for work in and around the penitentiary.

The Board inquired as to his parole program and has been assured that before the applicant would be released a satisfactory parole program would be set up and approved by the Board of Parole.

The Board is of the opinion that this man, who has spent over 80% of his minimum sentence in the penitentiary, and who during his incarceration has demonstrated his serious attempt at adjustment, will prove to be a satisfactory person, if released, and will not be guilty of any violation of the law in the future. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Earl J. Oberholtzer, C-5890, No. 4765, April Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Earl J. Oberholtzer, convicted of murder in the first degree in the Court of Oyer and Terminer of Montgomery County on January 24, 1930 be commuted from life imprisonment to 27 years, 5 months, 4 days, expiring on June 28, 1957.

Our reasons for making this recommendation are as follows:

This applicant is fifty-four years of age. He plead guilty to the crime of murder. It appeared that he was engaged to a young girl, and calling upon her one evening, he found this girl with a young man. He became so enraged, he shot and killed both the girl and the man, and turned the gun on himself in an attempt to take his life.

The Board has in the file a letter from the father of the young woman who was killed stating that it was his wish and desire that the applicant be released from the penitentiary. There is on file a recent letter from the sister of the deceased man opposing the release of the applicant at this time.

The trial judge, the Honorable Harold G. Knight, writes the Board that he "has no objection to the commutation of his sentence at this time if, in the opinion of the Board, it is warranted." Likewise, the district attorney stated that he would neither oppose nor recommend but would rely upon the Board's decision.

The penitentiary staff states this applicant, who had no previous record, has made a good adjustment. He has been employed in the machine shop and has learned mechanical drawing and the reading of blue prints. The staff believes that the applicant has properly adjusted himself and they are confident that he will not commit an offense against the laws of the Commonwealth.

The Board is advised that a proper parole program has been set up which will be approved by the Board of Parole, and the Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.

(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles Porter, B-6468, No. A-2973, April Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Charles Porter, convicted of murder in the first degree in the Court of Oyer and Terminer of Fayette County on December 21, 1938, be commuted from life imprisonment to 18 years, 6 months, 7 days, expiring on June 28, 1957.

Our reasons for making this recommendation are as follows:

This applicant is seventy-six years of age. He was living with the victim in a meretricious relationship and became involved in a dispute with her wherein she was stabbed by the applicant eleven times and died from the wounds. Both applicant and the victim were drinking heavily prior to the commission of the offense.

The trial judge is deceased. However, the President Judge, the Honorable W. Russell Carr, stated to the parole agent that he would leave the matter of clemency to the discretion of the Board. Likewise, the district attorney stated to the parole agent that he felt the applicant is deserving of clemency.

The applicant has served over eighteen years of his life sentence and during his incarceration the penitentiary authorities state that there has never been a misconduct report against him. He has been employed in the shoe shop since his admittance and he has demonstrated the habits of thrift to the extent of over twelve hundred dollars in savings.

Although the applicant is too old for active work he is assured of a monthly income from social security which, together with the income from his savings, is sufficient to provide the necessities of life. A home and sponsor have been provided and the Board believes that this applicant, who has not many more years to spend on this earth, is deserving of dying in freedom rather than behind prison walls and recommends, therefore, that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Roy Warren Ruff, E-1053, No. A-1246, April Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum

sentence of Roy Warren Ruff, convicted of armed robbery, and larceny of automobile in the Court of Quarter Sessions of Philadelphia County on May 4, 1949, computed from April 22, 1949, be commuted from 10 years to 8 years, 2 months, 6 days, expiring on June 28, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty years of age. Briefly the crime was that the applicant held up the victim, stuck a gun in his stomach, and compelled him to hand over his money. The applicant fled in an automobile. The license number was noted and a short time thereafter the applicant was arrested and the stolen funds recovered. The applicant had a prior criminal record.

Since the applicant's incarceration the penitentiary staff reports that he has established a relatively good institutional reputation. He has made an honest attempt to improve himself and has demonstrated vocational stability. It is noted that he is very careful in the selection of his associates among the prison population. He is employed in the Tailor Shop and he has a very fine record as a worker. He is presently the production clerk and is credited with being able to accept responsibility, is co-operative and has a good attitude.

The trial judge, the Honorable Charles L. Guerin, wrote the Board that he was in entire accord with any action taken by the Board in this matter. The district attorney stated that his office was not opposed.

The Board believes that this man, who has served over 80% of his minimum sentence, has demonstrated that he has become sufficiently rehabilitated to take his place in society and there is every belief that, if released, he will no longer violate the law but will prove to be a credit to himself and to society. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
NOT SITTING
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of George Simol, 5731-C, No. 1358, April Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of George Simol, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Northampton County on April 25, 1923 be commuted from life imprisonment to 34 years, 2 months, 12 days, expiring on July 7, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until end of life.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Edward Sjoden, C-3607, No. A-3568, April Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of James Edward Sjoden, convicted of burglary and larceny in the Court of Oyer and Terminer of Crawford County on December 6, 1954, computed from November 21, 1954 be commuted from 5 years to 2 years, 7 months, 7 days, expiring on June 28, 1957.

Our reasons for making this recommendation are as follows:

This applicant is twenty-four years of age. Briefly the crime was that the applicant, together with three accomplices, entered a club in Titusville and took about \$500.00 from the safe. A few days later they entered a business place in the same community and took \$76.00. The applicant had no previous criminal record.

The trial judge, the Honorable Herbert A. Mook, stated to the Parole Agent that he would neither oppose nor recommend commutation. The district attorney of Crawford County wrote the Board that he was not opposed to commutation.

The penitentiary staff reports that this applicant has shown commendable progress and very favorable adjustment. During last Summer he was able to earn the highest Honor Rating granted and has, of this date, been approved for the Correctional Conservation Camp, the highest adjustment which he can earn. The staff urgently recommends clemency.

The Board has been advised that this applicant will have a good home, proper sponsorship by the Police Chief of Titusville, and employment by a local contractor.

The Board is of the opinion that this young man has shown by his conduct in the penitentiary that he desires to live a law-abiding life and the Board has every confidence that if released he will continue so to live. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Floyd Sterling Stainbrook, B-8284, No. 8855, April Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Floyd Sterling Stainbrook, convicted of murder in the first degree in the Court of Oyer and Terminer of Mercer County on July 15, 1942, be commuted from life imprisonment to 14 years, 11 months, 13 days, expiring on June 28, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-four years of age. Briefly the facts of the crime are as follows: The applicant, and three accomplices, all young men, engaged in a hold-up of a business place in Mercer County. One of the accomplices had a revolver in his hands and in the course of the hold-up the gun was fired and fatally injured a clerk in the office. Subsequently, the applicant and his three accomplices were arrested and tried for this murder. All of them were found guilty of murder in the first degree and sentenced to life imprisonment.

This applicant was twenty years of age at the time of the commission of this crime and had no previous criminal record of any type. He had just graduated from high school and was employed by the Sharon Steel Company.

The trial judge, the Honorable George H. Rowley, is no longer on the bench but according to the parole agent the President Judge, the Honorable Herman M. Rodgers, stated that he did not have sufficient information for him to comment. The district attorney stated to the Board that he would rely upon their decision and it would meet with his approval.

The penitentiary staff reports that for the past ten years the efforts of this applicant has been quite satisfactory. They feel that because of the age of the applicant this might be the best time for his release.

He is not married, but will return to the home of his mother, where he has the sponsorship of the Sheriff and Fire Chief of his home town. He is assured of employment. The Board feels he is ready for release and therefore recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Norman John Steber, 75637, No. A-4048, April Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Norman John Steber, convicted of armed robbery in the Court of Oyer and Terminer of Allegheny County on June 24, 1954 be commuted from 4 years to 3 years, 4 days, expiring on June 28, 1957.

Our reasons for making this recommendation are as follows:

This applicant is twenty-seven years of age. Briefly the crime was that the applicant and his accomplice held up a grocery store. It appears that the crime was accomplished on the pretext of the accomplice purchasing groceries while the applicant awaited for him in a car outside the store. The applicant plead not guilty at the trial of complicity in this offense but the jury decided that he was involved with his accomplice. According to the record this applicant was never previously convicted of any offense.

The trial judge, the Honorable Carleton T. Woodring, writes the Board that he has no objection to a commutation of the minimum sentence provided the applicant remains on parole for the balance of his maximum sentence. The district attorney of Allegheny County likewise stated he had no objection to the commutation of the minimum sentence.

The Board inquired as to the parole program and was advised that the applicant will reside with his wife and children, and that his sponsor will be the pastor of his church, and that employment is assured.

The Board is of the opinion that the applicant has adjusted himself and that he will never again become involved in any criminal offenses. He will have served a very substantial portion of his minimum sentence by the time he is released and he will, from all accounts, live a law-abiding life in the future. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Elwood Van Sciver, 7920-C, No. 5459, April Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend the the maximum sentence of Elwood Van Sciver, convicted of armed to rob in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on February 21, 1938, computed from February 3, 1938, be commuted from 20 years to 19 years, 5 months, expiring on July 3, 1957 and further recommend that the maximum sentence of Elwood Van Sciver, convicted of robbery, being armed with offensive weapon and robbery together with other person in the Court of Oyer and Terminer and Quarter Sessions of Montgomery County on October 4, 1938, computed from February 3, 1938, be commuted from 20 years to 1 day, expiring on July 4, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until February 3, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Sherman Vaughn, D-6958, No. A-3580, April Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Sherman Vaughn, convicted of burglary and rape in the Court of Quarter Sessions of Bucks County on February 2, 1943 computed from January 7, 1943 be commuted from 35 years to 14 years, 5 months, 20 days, expiring on June 27, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-six years of age. The official versions of the crime indicated that the applicant burglarized three residences and at the fourth residence he abused one of the women victims.

The penitentiary states that this applicant has served over fourteen years of his minimum sentence and has shown some improvement in his adjustment. He is presently employed as a clerk in the prison library and his work appears to be satisfactory.

The trial judge is deceased but the President Judge, the Honorable Edward G. Biester, stated that he had no recommendation to make but relied upon the decision of the Board as to the disposition of this application. The district attorney stated to the parole agent that he was in accord with the view of Judge Biester.

The applicant had a prior criminal record consisting of one arrest but no conviction, and this offense appears to be his first major crime.

The applicant's mother is ill and on relief, and the family appears to be in very straitened circumstances.

The Board believes that this applicant, having been incarcerated for over fourteen years with a fair prison record, is entitled to the clemency of the Commonwealth. He will be released upon a satisfactory investigation of his sponsor and employment. The Board believes that this man, who spent so many years in the penitentiary, is deserving of the clemency of the Commonwealth and with the instruction that he received while confined, he will be able to find employment, support his mother and become a credit to society. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of George Wing, B-1722, No. 3864, April Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of George Wing, convicted of murder in the first degree in the Court of Oyer and Terminer of Erie County on November 27, 1929 be commuted from life imprisonment

to 27 years, 7 months, expiring on June 27, 1957.

Our reasons for making this recommendation are as follows:

This applicant is fifty-seven years of age. The story of the crime is briefly that the applicant shot at his sister and her friend as they were walking along the highway. However, the shot missed the girl and struck and killed a baby in the arms of his sister. At the trial it was shown that the applicant laid in wait for his sister and shot at her twice, deliberately. His excuse was that his sister was wayward and he was attempting to correct her behaviour.

The penitentiary staff reports that this applicant has served over twenty-seven years of a life sentence, and during that time has never had a misconduct report against him. He gets along very well with everyone within the prison walls, although he has no close associates. For the entire time of his incarceration he has held one job, that of working on the lawns inside the prison. He had no prior criminal record.

The trial judge, the Honorable William E. Hirt, now of the Superior Court, stated to the Board: "I have no objection to favorable action on this application." The district attorney's office was contacted by the parole agent, and the district attorney stated he did not oppose commutation but would abide by the decision of the Board.

The Board is of the opinion that this applicant has demonstrated his adjustment and trustworthiness and believes that he will never offend against the laws and will make a serious effort to prove that he is worthy of the clemency of the Commonwealth which the Board hereby recommends.

Respectfully submitted,

(Sgd) ROY E. FURMAN—Dissents,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Theodore Bell, D-4139, No. 9535, May Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Theodore Bell, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on July 8, 1939, computed from June 24, 1938 be commuted from life imprisonment to 19 years, 2 months, expiring on August 24, 1957.

Our reasons for making this recommendation are as follows:

This applicant is fifty-one years of age. Briefly the offense committed was the result of an argument between the applicant and a boarder in the home over a trifling sum of money. The victim had knocked down the applicant and threatened to kill him. When the applicant, through the help of some neighbors, was able to get to his feet he went down into the cellar and picked up an axe, returned to the scene, hit and killed the victim.

The trial judge, the Honorable Gerald F. Flood, wrote the Board that he had nothing to say other than what appeared in the notes of the testimony at the trial. The Assistant District Attorney stated that his office was not opposed to a commutation. He further stated that a review of the testimony indicated elements of a second degree murder. It appeared that the victim had a knife and it could easily have been that the applicant could have been the victim.

The penitentiary staff reports that the applicant, shortly after being admitted, was declared mentally ill and transferred to the Farview State Hospital, where he remained for about seven years. He was returned to the penitentiary in 1946, and the psychiatric reports sets forth that he does not require treatment. The staff reports that he has become literate, has demonstrated stability, has shown constant improvement in personality, and has developed a habit of thrift and acceptance of responsibility.

The Board believes that this applicant, who has spent nearly nineteen years in the penitentiary, is ready for release, and recommends, therefore, that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles Floyd Brown, No. 8954, April Session, 1957, (Recommended at the May 1957 Session).

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Charles Floyd Brown, convicted of robbery, larceny, burglary in the Court of Oyer and Terminer and Quarter Sessions of Dauphin County on March 19, 1945, computed from February 16, 1945 be commuted from 34 years to 12 years, 6 months, expiring on August 16, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty years of age. It appears that he and his accomplices entered a store and a theatre in Harrisburg, Pennsylvania. Likewise, they held up a parking lot attendant. The value of the loot was about Seventeen Hundred Dollars.

The applicant had his minimum sentence commuted by the Board at the June 1950 Session and he was released on parole on November 13, 1950. Since his release on parole he has been working for the Bethlehem Steel Company. The Parole Board states that under their supervision he has conducted himself in an exemplary manner and they have no objection to the commutation of his maximum sentence. He is presently buying his own home in Steelton, where he is employed.

The trial judge is deceased and the President Judge, the Honorable Paul G. Smith, wrote the Board he would "leave the matter entirely to the good judgment of the Board." Likewise, the district attorney advised, the Board he was not opposed to the granting of the request.

The Board is aware of the fact that but for a matter of four months the applicant would have been tried as a juvenile and thus would have been sentenced for a lesser period. Taking this into consideration, the fact that the Board of Parole is not opposed, and that the sentencing authorities are not opposed as well, the Board recommends that the maximum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.

(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Frank J. Capone, No. A-4076, May Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Frank J. Capone, convicted of obstructing an officer, assault and battery and aggravated assault and battery in the Court of Quarter Sessions of Delaware County, on March 3, 1954 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is thirty-five years of age. It appears that he attended a card party at the Broomall Fire Company and probably indulged too freely of alcoholic beverages. On his way home he was stopped by the Haverford Township Police car, the driver of which was a class-mate. This meeting developed into a brawl between the applicant and the police officer, which necessitated the calling of more police to quell the disturbance. The applicant plead guilty. He served the three month sentence. At present he owns and operates the Capone Contracting Company, which employs from thirty to fifty men. This is a large concern in the excavating business.

The trial judge, the Honorable Arthur P. Bretherick, wrote to the Board as follows: "I have no opposition whatsoever to this man's being granted a pardon. He is not now and never has been a person of criminal tendencies. His greatest difficulty had been, up to the time of his sentence, an uncontrollable temper and a desire to strike anyone who happened to disagree with him. I sincerely believe he has learned his lesson and that he will cause no further difficulty. He is a successful businessman and a pardon will clean the slate for him in his future business dealings." Likewise, the district attorney, Raymond R. Start, Esquire, wrote the Board that he had reviewed the case and believes that the applicant "has proven himself worthy of consideration for a pardon to enable him to continue in the future in the conduct of good living which he apparently is now exemplifying."

The Board believes that this applicant who became involved in a disturbance of not too serious a nature, is deserving of the clemency of the Commonwealth and, therefore, recommends a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Philip Cognito, No. A-4069, May Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommend that Philip Cognito, convicted of receiving stolen goods and accessory after the fact in the Court of Quarter Sessions of Allegheny County, on May 15, 1935 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is forty-eight years of age. It appears that the applicant was a new member of the Braddock Police Force and while on duty he saw two men entering a store and recognized these men as friends of the Lieutenant of Police. When he reported this fact he was advised by his superior to forget it and tell nobody. However, at the trial this fact was not disclosed. It was established that the applicant assisted the burglars load the stolen property. Later he received about twelve dollars from the two men. He was found guilty of these offenses and dismissed from the Police Force.

Since the applicant's release from the Allegheny County Workhouse he has been employed by the Westinghouse Electric Company, and for the past twenty-one years he has never been in trouble or offended the laws of the Commonwealth.

The district attorney of Allegheny County stated to the Board he was not opposed to the granting of this pardon. The trial judge, the Honorable Ivan J. McKendrick, was a visiting judge and did not reply to our inquiry as to the merits of the application.

The Board believes that this applicant, who has conducted himself so splendidly for the past twenty-one years is deserving of the mercy of the Commonwealth and the Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles L. Dalton, B-9948, No. A-794, May Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles L. Dalton, convicted of sodomy in the Court of Oyer and Terminer of Allegheny County on November 27, 1946, computed from November 16, 1946 be commuted from 20 years to 10 years, 9 months, 10 days, expiring on August 26, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty-one years of age. He plead guilty to admitted perversions with some twenty-three different boys, sixteen to eighteen years of age. The applicant had no prior criminal record but these offenses were of such a number that the Court sentenced him rather severely.

The penitentiary staff reports that this applicant is not known to have indulged in homosexual activities while in the penitentiary. His psychiatric report from the penitentiary states: "Aside from history of deviant sexual behavior, has evidenced no criminal or anti-social trends."

The Board, however, believes that this man should have some psychiatric treatment. These treatments are not available at the Western State Penitentiary.

The trial judge is deceased but the Board was advised by the President Judge, the Honorable William H. McNaghter, he would rely on the Board. The district attorney

was not opposed, believing that this applicant is entitled to psychiatric treatment if needed.

The penitentiary reports that this applicant has improved himself educationally and has taught in the prison school. He received a diploma in an engineering course he studied while in prison.

The Board is of the opinion that this applicant can safely be released to society, and since he will be under the supervision of the Board of Parole, the Board recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Constantine Diamond, No. A-4083, May Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Constantine Diamond, convicted of book-making in the Court of Quarter Sessions of Delaware County on December 5, 1956, be commuted from 1 year to 8 months, expiring on August 5, 1957.

Our reasons for making this recommendation are as follows:

This applicant is sixty-four years of age and he was sentenced on a plea of guilty for the offense of book-making, to one year in the County Prison and a Fine of Five Hundred Dollars.

This applicant operated a small shoe-repair shop in Upper Darby and was accepting bets on horse races. Fred Jack, special investigator of the Delaware Courts, testified that he placed several bets with the applicant, and, scratch sheets and about \$160.00 were found in his place of business at the time of his arrest.

Over the years, the applicant was helping to support his crippled sister in Turkey from his small income as a shoe repairman, and he required additional funds to aid him. He resorted to taking horse-racing bets to augment his income.

The Board had before it a transcript of the proceedings before the Court and noted that the amounts of bets were small, and that this was the applicant's first offense, although in 1942 he had been arrested on a disorderly conduct charge but was discharged.

The trial judge, the Honorable Henry G. Sweney, wrote the Board that he was strongly opposed to a change in this sentence. However, the district attorney, Raymond R. Start, Esquire, wrote the Board: "**** should the Board feel inclined to give consideration to the prayer of the petition, this office would not object."

It is further noted that the Delaware Courts have a policy of sentencing first offenders on Gambling and Book-making charges, to two months in Jail and Three Hundred Dollars Fine. These are considered minimum sentences. This applicant, however, on a first offense, was sentenced as though he had been a multiple offender.

The Board is of the opinion that the applicant has been severely punished for a first offense for this type of crime and, therefore, recommends that his maximum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Dzedzy, 97657, No. A-3375, May Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Dzedzy, convicted of voluntary manslaughter in the Court of Quarter Sessions of Delaware County on March 15, 1954 be commuted from 5 years to 3 years, 5 months, expiring on August 15, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty-nine years of age. It appears that he was drinking heavily and met a woman in a local tavern. The applicant, together with the woman and a friend, drove around the City of Chester. The next day the woman was found dead in the automobile. It is alleged that she died from asphyxiation. When the police discovered the victim the applicant was still intoxicated and could not give any statements until late in the afternoon when he became sober. It appears that this woman was suffering from a type of illness which may have induced her death. However, the applicant plead guilty and received the sentence aforesaid.

The trial judge, the Honorable Arthur P. Bretherick, wrote that he advised the applicant he would have no objection to his filing for commutation as he did not "regard him as a person of criminal tendencies but one who was the victim of intoxication and a crime of passion." The district attorney, Raymond A. Start, likewise wrote the Board that "We are convinced that this petitioner committed a crime under the direct influence of intoxicating liquor.*** It is our viewpoint that *** having shown a good record of performance of duties and rehabilitation in the county jail, he should receive favorable consideration****"

The Board advised that this applicant has a splendid work record, and was not involved in any previous criminal activities. The Board, believes he has been rehabilitated and recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Harold Farrow, E-4376, No. A-3477, May Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommend that the minimum sentence of Harold Farrow, convicted of robbery in the Court of Quarter Session of Philadelphia County on March 16, 1954, computed from January 9, 1954 be commuted from 5 years to 3 years, 9 months, 22 days, expiring on November 1, 1957.

Our reasons for making this recommendation are as follows:

This applicant is twenty-six years of age. His offenses arose out of a hold-up of a theatre box office, followed by the robbery of a tailor shop, in the City of Philadelphia. The applicant alleged as the reason for these offenses that he required money to buy narcotics.

The trial judge, the Honorable John Morgan Davis, wrote to the Board that he had no objection to a commutation of the minimum sentence so long as the maximum sentence was not disturbed. The district attorney has no objection to commutation of sentence and recommends that the applicant be released in November 1957.

The penitentiary staff reports that he certainly had no opportunity to avail himself of narcotics and they had no problem in that respect. They further report that he has established and maintained an unblemished disciplinary record and has made excellent progress in the educational area. He is at present an instructor in the typing classes and has received the commendation of the prison authorities for his work in that field.

The Board is of the opinion, after consulting the penitentiary report, that the applicant may be considered as cured of the narcotic habit. The Board is of the further opinion that this applicant, who has served three-fourths of his minimum sentence, may safely be returned to society, and since he will readily be able to find employment because of his ability in the typing and stenographic field, the Board recommends that his sentence be commuted as of November 1, 1957.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Andrew Gallik, C-2604, No. A-3471, May Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Andrew Gallik, convicted of murder in the second degree in the Court of Oyer and Terminer of Westmoreland County on June 6, 1952, computed from March 22, 1952 be commuted from 6 years to 5 years, 5 months, expiring on August 22, 1957.

Our reasons for making this recommendation are as follows:

This applicant is sixty-eight years of age. It appears that the applicant and his wife were in a bitter argument over the proceeds of a life insurance policy. The wife hit the applicant and knocked him down, whereupon the applicant went to the cellar, procured a hammer and severely beat the wife, causing a severance of the spinal cord.

The trial judge, the Honorable Richard D. Laird, was opposed to the granting of clemency and likewise the District Attorney was of the opinion that the applicant should serve his minimum sentence.

The penitentiary reports that this man, who is sixty-

nine years of age and who had no prior criminal record is not a hardened or criminally inclined person and his institutional record has been excellent. His physical condition is becoming progressively more serious because of osteoarthritis of the lumbar spine. He is unable to work.

His advanced age and physical condition raises the problem of his adjustment if released. However, it has been stated that the members of the family are well able to take care of him.

The Board believes that this man, who is almost seventy years of age and who has but a few more months to serve of his minimum sentence, is deserving of the clemency of the Commonwealth because of his serious physical condition. The Board, therefore, recommends that the applicant be released from the penitentiary before his death.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
NOT SITTING
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William J. Goss, No. A-4056, May Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that William J. Goss, convicted of establishing a gambling place in the Court of Quarter Sessions of Montgomery County on August 31, 1951 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is sixty-two years of age. He was fined five hundred dollars and imprisoned in the Montgomery County Prison for a period of thirty days in 1951. It happened that the applicant was Chairman of the Committee of a Fair held by the Flourtown Fire Company. This Fair was an annual occasion and had been in operation over thirty years. At the Fair the Fire Company operated "wheels" and other gambling devices common at fairs and carnivals. Likewise, some concessions were operated by the American Legion to raise funds for work at various Veterans' Hospitals. The State Police raided this Fair and arrested the applicant, who was the only one from the Fire Company arrested. The applicant had no previous record and bears an excellent reputation in his community.

The trial judge, the Honorable William F. Dannehower, has no objection and the District Attorney stated that he relied upon the Board's decision.

The applicant has been employed by the Carson College for over thirty-seven years as a Superintendent in charge of the grounds and buildings.

The Board believes that this applicant, whose offense was not a serious one but whose position in the community was jeopardized by this act on behalf of the Flourtown Fire Company, is entitled to the mercy of the Commonwealth, and the Board, therefore, recommends a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.

(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Robert Allen Hoover, C-3644, No. A-3387, February Session, 1957. (Recommended at the May 1957 Session)

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Robert Allen Hoover, convicted of sodomy in the Court of Quarter Sessions of Armstrong County on January 7, 1955 be commuted from 3 years to 2 years, 7 months, 20 days, expiring on August 27, 1957 provided he receive psychiatric treatments.

Our reasons for making this recommendation are as follows:

This applicant is thirty-one years of age. He plead guilty to the offense of sodomy on two different occasions. He was sent, before his trial, to the Torrance State Hospital for observation. The hospital discharged the applicant as cured, returning him to Armstrong County for trial, whereupon he was sentenced as aforesaid.

The trial judge, the Honorable J. Frank Graff, wrote the Board as follows: "I shall be satisfied with any decision which the Board sees fit to make in this matter." The district attorney stated to the Parole Agent that he would not oppose commutation.

The Board has been assured that the applicant will receive treatment for this disease from Dr. John W. Shadle, who has agreed to not only treat him for some three to six months but also to act as his sponsor so that he would have some control over the applicant. It is the understanding of the Board that if he is released the agreement between the applicant and the Parole Board would include this mandatory treatment schedule under the direction and observation of Dr. Shadle.

This applicant has almost completed his minimum sentence and with this opportunity of receiving treatment from a qualified doctor it is felt that this may be the opportune time to release him. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Kiliszewski, C-3325, No. A-3608, May Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Joseph Kiliszewski, convicted of voluntary manslaughter in the Court of Oyer and Terminer of Erie County on February 3, 1954, computed from November

15, 1953 be commuted from 5 years to 3 years, 9 months, 10 days, expiring on August 25, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty-eight years of age. He, it appears, was loading a shot gun, dropped a shell and in stooping over to pick it up, the gun was discharged and his wife was fatally injured. He plead not guilty, stating that the death was accidental. There was conflicting testimony as to the fatal accident and the jury brought in a verdict of voluntary manslaughter. The applicant had a minor criminal record of larceny of a vending machine.

The trial judge, the Honorable Samuel Y. Rossiter, wrote the Board as follows: "I believe I can conscientiously recommend his pardon providing amongst its terms and conditions there can be placed a condition against the use of alcoholic liquors by Kiliszewski." Likewise, the district attorney informed the parole agent that he was not opposed to the granting of clemency in this matter.

The applicant is suffering from a form of tuberculosis and there is a suggestion that he has a benign lesion that might be malignant. At present the applicant is undergoing medical treatment in the penitentiary hospital.

The institution staff reports that the applicant has made an excellent adjustment.

The applicant has served over half his minimum sentence, and the Board believes he will no longer offend against the laws of society and can safely be released. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Joseph Lachesky, C-2516, No. A-1877, May Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William Joseph Lachesky, convicted of robbery, larceny, receiving stolen goods in the Court of Oyer and Terminer of Erie County on March 3, 1952, computed from February 4, 1952 be commuted from 6 years to 5 years, 6 months, 20 days, expiring on August 24, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-nine years of age. He stole an automobile, then drove the car to a nearby town, where he held up a grocery store at gun point. The applicant plead guilty to the offense.

The trial judge, the Honorable Burton R. Laub, advised the parole agent that he would go along with the Board of Pardons, as did the District Attorney, although they did not write the Board. They did, however, write direct to the applicant at the State Penitentiary at Rockview, and both letters have been made a part of the file. The letter of Judge Laub stated: "I have no opposition to your receiving clemency if your institutional record is good ***", and the district attorney, Hebert J. Johnson, Jr., wrote: "**** I will not oppose your application at this time."

The penitentiary staff reports that this applicant has an excellent conduct record, that he is presently employed in the prison hospital, and that he is to be commended for

his efforts in the hospital, immediately following the riots in the Western State Penitentiary some years ago. His representative, the Parole Director, stated to the Board that "he is a good boy."

The Board is of the opinion that this applicant, although involved in prior criminal offenses, has learned the error of his way and will no longer offend against the laws of society, and, the Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Liberatoscioli, No. A-4054, May Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Joseph Liberatoscioli, convicted of attempted robbery in the Court of Oyer and Terminer of Philadelphia County on May 22, 1947 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is twenty-nine years of age. He was sentenced to an indefinite term at the Pennsylvania Industrial School at White Hill. The applicant was about nineteen years of age at the time of his commitment. While confined at the Pennsylvania Industrial School he took up the trade of bricklaying, and it might be noted that this course was not a popular one because the rate of pay at that time was 7½¢, while other trades were offering 17½¢. However, the applicant was determined to learn this trade and he, therefore, did not change to another.

Upon his release in February 1949 the applicant joined the Union and became an individual bricklayer for various companies until May 1950, when he started his own bricklaying business. Today he is a prominent contractor in the City of Philadelphia. It is stated that during the year 1956 his business grossed almost one million dollars and he was employing as high as forty men at a time. The applicant has made a most remarkable adjustment and he has again demonstrated the value of our institutional vocational system.

Mr. Thomas Reed, the assistant district attorney of Philadelphia County, made a most eloquent statement with regard to the rehabilitation of this applicant and recommended to the Board that his petition be granted.

The Board believes a man of this high type, who has proved his value to society, is worthy of the clemency of the Commonwealth, and, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Libonati, No. 9714, May Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Joseph Libonati, convicted of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on July 30, 1942 be commuted from life to 15 years, 1 month, expiring on August 30, 1957.

Our reasons for making this recommendation are as follows:

This applicant is seventy-four years of age. The applicant denied that he was the offender in the shooting and killing of two persons seated in an automobile on West Carson Street, Pittsburgh, at the midnight hour. At the trial it was shown by strong circumstantial evidence that the applicant was guilty. The appeal to the Supreme Court sustained the earlier conviction in an opinion of April 1943.

The applicant's sentence was commuted by the Governor in December 1950 and has been under the supervision of the Board of Parole for the past six and one-half years. He is presently employed as a cement worker and the Board of Parole reports that his conduct under parole has been very satisfactory, and that they have no objection to his release from parole supervision.

The trial judge, the Honorable J. Frank Graff, stated he would rely upon the Board. The district attorney of Allegheny County likewise stated he was not opposed to the commutation of maximum sentence.

The applicant is residing with his daughter and the report from the parole investigator states that he bears an excellent reputation in his neighborhood. He is supporting his daughter, who is an invalid and he has five other children, not dependent upon his help. The Board has been advised that he earns from \$45.00 to \$75.00 per week.

The Board believes that this applicant, who has conducted himself so very well, will continue to do so without the supervision of the Board of Parole, and, therefore, recommends that his maximum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Franklin Ammon Loss, No. A-2053, May Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Franklin Ammon Loss, convicted of accessory before the fact to robbery while armed in the Court of Oyer and Terminer of Union County on August 18, 1952, computed from August 12, 1952 be commuted from 7 years to 5 years, expiring on August 12, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty-three years of age. It appears that the applicant and two accomplices attempted to rob a Snack Bar near Lewisburg. The hold-up of the waitresses in the Snack Bar was observed by the police and a chase ensued. One of the accomplices was caught and confessed to the crime and involved the others, including the applicant.

The applicant's sentence was commuted by the Board of Pardons at the December 1953 Session and he was released on parole February 26, 1954. He has now been under parole supervision for over three years and the Parole Board reports that his conduct has been satisfactory. The Board of Pardons has a letter stating that the Board of Parole has no objections to the commutation of the maximum sentence to relieve the applicant from further parole supervision. The Board of Parole further states that since he has been on parole the applicant has purchased three lots adjacent to his home, that he owns a cabin and has about one thousand dollars in savings bonds. He is steadily employed at the Mifflinburg Body Works.

The trial judge, the Honorable William L. Showers, wrote the Board that he had no objection to the granting of this request and the district attorney, Paul M. Showalter, wrote the Board that he was not opposed.

The Board believes that to continue this applicant on parole beyond this time would serve no purpose, and since the Board of Parole is willing to have him released from parole, the Board of Pardons recommends his maximum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
NOT SITTING
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Raymond Roger Moore, No. A-615, May Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Raymond Roger Moore, convicted of armed robbery in the Court of Oyer and Terminer of Allegheny County on February 11, 1947, computed from December 24, 1946 be commuted from 15 years to 10 years, 7 months, expiring on July 24, 1957.

Our reasons for making this recommendation are as follows:

This applicant, who is thirty-one years of age, was paroled on February 5, 1953, following the commutation of his minimum sentence. His crime involved several automobile thefts and a hold-up of a gasoline station, drug store, dairy store in about four days. The applicant, with his three accomplices, were arrested when one of the accomplices was hurt, and when being treated, admitted the offenses. All of the accomplices have been released.

This applicant moved to the State of Nevada and is employed by the Western States Construction Company in Reno. He owns his own home in Henderson, Nevada, where his wife is employed as a school teacher. The Nevada authorities indicate that his conduct has been exemplary and he has not violated the law since his residence in that State.

The applicant is a carpenter and desires to be employed

by the Atomic Commission and believes that he will be compelled to move from state to state and, therefore, the supervision under which he has been interferes greatly with his advancement. The Board is of the opinion that this applicant, who has shown a fine adjustment since his release, can safely be relieved from further supervision and, the Board, therefore, recommends his maximum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Leroy J. Price, No. A-1338, March Session, 1957. (Recommended at the May 1957 Session) To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Leroy J. Price, convicted of arson and burning with intent to defraud in the Court of Oyer and Terminer of Huntingdon County on May 17, 1948, computed from February 23, 1948 be commuted from 15 years to 9 years, 6 months, expiring on August 23, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty-five years of age. It appears that he burned his house and barn in order to recover the insurance money. The applicant first confessed to the crime, but later repudiated his confession and plead not guilty. The jury found him guilty and he was sentenced as aforesaid.

The Board of Pardons, at the May 1953 Session, commuted the minimum sentence of this applicant and he was released on parole on July 7, 1953. Since his release he has been working for the Stoner Beverage Company in Harrisburg, and the report is that he is making an excellent adjustment. The Board of Parole wrote the Board of Pardons that there is no objection to the termination of the applicant's parole in view of his fine adjustment.

The applicant was represented before the Board by his employer, Paul G. Stoner, who spoke very highly of him and of his work and his reliability.

The trial judge is deceased but the President Judge, the Honorable Swirles L. Himes, wrote the Board he did not have enough facts to make a recommendation. However, the district attorney, M. B. DeForrest, wrote the Board that he was not opposed. He stated: "You may consider this letter a recommendation."

The Board believes that this man will continue to live a law-abiding life and progress in society as he has demonstrated, and the Board, therefore, recommends that his maximum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Louis A. Ronzoni, No. A-2229, May Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Louis A. Ronzoni, convicted of robbery, etc. in the Court of Oyer and Terminer of Philadelphia County on December 29, 1948, computed from December 17, 1948 be commuted from 20 years to 8 years, 8 months, expiring on August 17, 1957.

Our reasons for making this recommendation are as follows:

This applicant is twenty-eight years of age. He, and two accomplices, held up a theatre manager and stole over two hundred dollars. The applicant drove the getaway car while his accomplices committed the offense.

The applicant was released on February 26, 1954, when the Board of Pardons, reduced his minimum sentence at the December 1953 Session, from 10 years to 5 years 2 months.

The applicant is requesting a commutation of his maximum sentence so he may be in a better position to advance himself in his business. It is his purpose to form his own plumbing establishment and he feels that for his advancement in business, and socially, a release from parole supervision would be beneficial.

The Board of Parole reports that this parolee has conducted himself in a very satisfactory manner for the past three and one-half years, and therefore that Board has no objection to his being released from parole supervision.

The Board is of the opinion that this applicant will continue to be a satisfactory citizen and will be in a better position to advance himself in his business, and, therefore, recommends his maximum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Roscoe Schell, D-9001, No. A-1360, March Session, 1957. (Recommended at the May 1957 Session)

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Roscoe Schell, convicted of armed robbery, burglary, larceny and receiving stolen good, in the Court of Quarter Sessions of Philadelphia County on June 25, 1946, computed from May 25, 1946 be commuted from 20 years to 11 years, 2 months, expiring on July 25, 1957 and further recommend that the minimum sentence of Roscoe Schell, convicted of assault being armed to rob in the Court of Quarter Sessions of Philadelphia County on October 2, 1946 (to be served concurrent with the

above sentence) be commuted from 30 years to 10 years, 9 months, 23 days, expiring on July 25, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty years of age. It appears that he and two accomplices were involved in a series of burglaries in the City of Philadelphia. He had a prior record in the Pennsylvania Industrial School.

The trial judge, the Honorable Frank Smith, now deceased, wrote the Board at a previous hearing that "**** I would have no objection to having the sentence commuted ****". Also the other trial judge, the Honorable John A. Mawhinney, wrote the Board, at a previous hearing: "**** I am disposed to raise no objection ****". About one year ago, the Honorable Byron A. Milner wrote the Board as follows: "I believe, therefore, that he is entitled to commutation of his minimum sentences if his prison record is satisfactory. The present President Judge, the Honorable Eugene V. Alessandrini, wrote the Board at this time that he was opposed.

The institution reports that the applicant has made a rather marked change in his thinking and is much improved in his behavior and progress. At present he seems to be much interested in music and is very active in the prison band.

The district attorney, when this case was heard, expressed a wish to investigate the application further, and he, after his investigation, wrote the Board that he "does not oppose the application."

This applicant received a rather severe sentence and he has served well over half of that sentence and the Board believes that he has been sufficiently rehabilitated to be released. He will be under the guidance of his sponsor, the Rev. Marshall L. Shepard, and the Board recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Helen Mildred Sirbus, No. A-4062, May Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Helen Mildred Sirbus, convicted of prostitution and assignation in the Court of Quarter Sessions of York County on October 29, 1940 and November 3, 1941 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is forty-eight years of age. Since this applicant's release from probation she moved to Duquesne, Pennsylvania, and the Board has reason to believe that for the past fifteen years she has been living an exemplary life. She is presently recovering from a serious operation.

The trial judges, the Honorable Walter I. Anderson and the Honorable Ray P. Sherwood, both stated that they would rely upon the Board for any decision made in the matter. Likewise, the district attorney, George W. Atkins, Esquire, wrote the Board he had no information relative to the applicant and was not in a position to make any recommendation, but would rely upon the Board.

The Board was advised that this applicant, who was born in Czechoslovakia, is liable to be deported because of these offenses. The matter is now before the Board of

Immigration Appeals and a decision is being held in abeyance until the action of the Board of Pardons has been announced. It is to be noted that this applicant entered the United States in 1913 and her home is now behind the Iron Curtain. It was also brought to the attention of the Board that the applicant is suffering from epilepsy and the Board has a written statement from Dr. W. C. Corsello, of Pittsburgh, that there is no cure for this type of disease and that she must take medication at all times.

Though the Board is of the opinion that this applicant, although convicted of serious moral offenses, has demonstrated over the past fifteen years her determination to live an exemplary life, and the Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Woodson, No A-2106, April Session, 1957. (Recommended at the May 1957 Session)
To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of William Woodson, convicted of assault and battery with intent to kill in the Court of Quarter Sessions of Philadelphia County on March 2, 1951, computed from March 1, 1951 be commuted from 7 years to 6 years, 5 months, expiring on August 1, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty-four years of age. The offense for which he was sentenced occurred when an altercation took place with the woman with whom he had been living. He shot her, injuring her severely.

This applicant was released on parole at the expiration of his minimum sentence on September 1, 1954. Since that time he has been employed by the New Standard Baking Company as a baker and his earnings are well over \$70.00 per week.

The Board of Parole reports that he has been under their supervision and he has made such a satisfactory adjustment that he has been placed under quarterly supervision instead of monthly. He has not been involved in any offenses since his release and the Parole Agent speaks highly of his conduct.

The trial judge is deceased and the President Judge, the Honorable Eugene V. Alessandrini, wrote the Board that he has no comment to make, but relies on the Board's decision. The District Attorney expressed no opposition to the granting of commutation of the maximum sentence.

The Board believes that this man has learned his lesson and since his conduct under supervision of the Board of Parole has been so satisfactory, he is deserving of the clemency of the Commonwealth, and the Board, therefore, recommends that his maximum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.

(Sgd) NOT SITTING

Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Yuhas, No. A-4046, April Session, 1957. (Recommended at the May 1957 Session)
To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John Yuhas, who plead guilty to the offense of assault and battery in the Court of Quarter Sessions of Washington County on February 5, 1942; and further plead guilty to the offense of operating a lottery in the Court of Quarter Sessions of Washington County on February 2, 1952, be pardoned.

Our reasons for making this recommendation are as follows:

This applicant, who is forty years of age, was arrested in 1942 and placed under a two year probation for assault and battery and was, in the same year, under a support order brought by his wife. Then, in 1952, the applicant was the partner of a newsstand where lottery tickets on football games were sold. The applicant was never confined.

At present the applicant is employed by Washington County as a surveyor and engineer and he is an outstanding employee of the County.

The trial judge, the Honorable George T. Cummins, recommends that the clemency of the Commonwealth should be extended and states in his letter: "Knowing this party as I do and that this is the only blemish on his record, I think it is a proper case for clemency by the Board of Pardons." The district attorney stated to the parole agent that he would not oppose the request for a pardon.

The applicant for the past few years has demonstrated his complete rehabilitation by his work for the County of Washington and his advancement in the civil engineering field. The Board feels that a pardon will assist this applicant in the further advancement in his work, and therefore, recommends that it be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents.
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Michael Zack, C-974, No. A-1201, May Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Michael Zack, convicted of murder in the second degree in the Court of Oyer and Terminer of Allegheny County on January 7, 1949, computed from June 5, 1948 be commuted from 10 years to 9 years, 2 months, 20 days, expiring on August 25, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty-six years of age. He had made a bet with the victim on a ball game while seated in a tavern. For one reason or another, the victim refused to pay off the bet, alleging that there was an error in the game which disqualified the contest. This contention on the part of the victim lead to an argument and the victim severely beat the applicant, who then left the tavern, procured a revolver, returned and subsequently shot the victim. It is to be noted that at the commission of the offense the victim weighed 245 pounds and the applicant only weighed 132 pounds.

The trial judge, the Honorable Henry Ellenbogen, stated to the parole agent that he would rely upon the decision of the Board, and the district attorney stated that he had no objection to the granting of commutation.

The applicant has conducted himself in a very satisfactory manner while confined and he has improved himself by taking some educational work in the institution. The staff states that he has proved to be a thorough and efficient worker. The applicant has shown considerable interest in his two sons.

The applicant has spend almost his full minimum sentence in the institution, and the Board believes that with the splendid record he has made he is deserving of the clemency of the Commonwealth. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William A. Zehner, D-5905, No. A-1306, May Sessen, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of William A. Zehner, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Berks County on July 2, 1941, computed from February 23, 1941 be commuted from life imprisonment to 16 years, 6 months, expiring on August 23, 1957

Our reasons for making this recommendation are as follows:

This applicant is forty-nine years of age. At the time of this offense the applicant, who was a patrolman on of the Reading Police Force, was off duty and was drinking with a group of friends in a neighborhood club. Undoubtedly the applicant had indulged too freely because he became quite angry when a woman refused to dance with him. The escort of the woman resented the remarks of the applicant and the bartender shut off the drinks, whereupon the applicant pulled his service revolver and shot the victim, the bartender.

The trial judge, the Honorable Paul N. Schaeffer, is retired and did not reply to our letter of inquiry as to the merits of the application. However, the district attorney, Frederick O. Brubaker, Esquire, wrote the Board as follows: "If your report indicates that rehabilitation is complete, it is my opinion that this man can take his place again in our community."

The penitentiary staff reports that this applicant has established and maintained an unblemished disciplinary record and has become a skilled compositor in the print-

ing department. He is considered to be quite mature and stable. He has saved a considerable sum of money and has, in every way, demonstrated his ability to be able to take his place in society, if released.

The Board believes that this man has demonstrated by his interest in the printing trade and his ability to accept responsibilities the qualities that will help him adjust properly in society. He has served over sixteen years of his life sentence, and the Board feels that he has been sufficiently punished, and therefore recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Thomas Atkinson, D-9072, No. A-4126, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Thomas Atkinson, convicted of forgery, in the Court of Quarter Sessions of Philadelphia County on July 19, 1950, computed from February 16, 1950 be commuted from 10 years to 7 years, 6 months, 10 days, expiring on August 26, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty-seven years of age. It appears that the applicant was the manager of a real estate firm and salesman for the said firm and he would obtain checks from this company, payable to various clients, and forge the endorsement of the payee. In addition, he received deposits from prospective purchasers of real estate and retained the same for his own use.

The applicant had no previous record. A considerable sum of money was involved in this offense.

The trial judge, the Honorable James C. Crumlish, had no recommendation to offer the Board. The district attorney stated that he was not opposed to the granting of this application.

The prison staff of the Philadelphia County Prison wrote the Board that this applicant is employed in the institution Commissary as a clerk and the staff reports that his job performance and conduct have been excellent. The record indicates that there are two detainers from Camden and Atlantic, New Jersey, still upon his record.

The applicant has taken quite a few correspondence courses from the Pennsylvania State University and states that he has successfully completed courses in Agriculture Economics and sociology.

The Board believes that this applicant, who has been confined for over seven years, will not again offend against the laws of society, and the Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of O. G. Bridges, E-4749, No. A-4090, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of O. G. Bridges, convicted of robbery, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on August 26, 1954, computed from August 4, 1954 be commuted from 4 years to 3 years, 24 days, expiring on August 28, 1957.

Our reasons for making this recommendation are as follows:

This applicant is twenty-eight years of age. He, together with two accomplices, held up a taproom and while one man held a gun in the back of the night manager, the safe was opened and Fourteen Hundred Dollars was taken. The applicant had no previous record and this was his first offense.

The trial judge, the Honorable Theodore L. Reimel, expressed no opinion as to the merits of the case. The district attorney stated to the Board that his office was not opposed to the granting of commutation.

The penitentiary staff reports that the applicant has maintained an excellent institutional record. In fact, his adjustment earned him the highest honor rating that can be attained, and the staff recommends favorable consideration of this application at this time.

The Board believes that this young man, who came under the influence of evil companions, has demonstrated by his splendid progress, his stability and maturity, that he will be capable of a good adjustment upon release, and the Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles Watson Brown, B-8282, No. 8853, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Charles Watson Brown, convicted of murder in the first degree in the Court of Oyer and Terminer of Mercer County on July 15, 1942 be commuted from life imprisonment to 15 years, 1 month, 10 days, expiring on August 25, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-eight years of age. He, together with three accomplices, borrowed a revolver from his cousin, and in the car of one of the accomplices, Johannes, the group proceeded to Sharpville to carry out the planned robbery. In the course of the robbery a clerk was

fatally shot. The group left the place without obtaining any money or valuables, and they all returned to Youngstown, Ohio.

The case was broken when Johannes was arrested on a suspicion of robbery and in the course of the questioning by the police confessed to this murder. The applicant remained in the get-away car and did not participate actively in the attempted robbery and shooting. At the time of the offense the applicant was twenty-three years of age.

The trial judge is no longer on the bench and the President Judge, the Honorable Herman M. Rodgers, is opposed. The district attorney advised the parole agent that he would abide by the decision of the Board.

The penitentiary staff states that this applicant is a first offender. He has an exceptionally good institutional adjustment and during his confinement he has held positions of trust and responsibility. For the past eleven years he has been employed as the inmate photographer in the Bertillon Room.

This applicant has spent about fifteen years in the penitentiary and it is believed that he will adjust himself in a satisfactory manner, if released. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Harry Brown, D-9968, No. A-2310, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Harry Brown, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on September 10, 1947, computed from July 24, 1947 be commuted from life imprisonment to 10 years, 1 month, expiring on August 24, 1957.

Our reasons for making this recommendation are as follows:

This applicant is seventy-two years of age. He, at the time of his offense, was about sixty-two years of age and had been living with the family of the victim for over twenty years. Upon learning that his friends, with whom he lived, were thinking of moving from Media, he became quite upset and disturbed. He procured a revolver and shot Mr. and Mrs. Arthur Cloves, killing the wife. The applicant attempted suicide when he learned the victim died.

The applicant was examined as to his mentality, prior to his trial, and found capable of standing trial. He plead not guilty but the jury adjudged him guilty.

The trial judge is deceased. However, the President Judge, the Honorable Henry G. Sweney, wrote the Board as follows: "**** commutation might well be granted ***" Likewise, the district attorney, Raymond R. Start, wrote the Board that he would not object to consideration being given the application.

The penitentiary staff reports that this man is ill and is in the penitentiary hospital, and it was stated to the Board that he is but a shell of a human being and is in a very critical condition. Dr. Blumberg, of the penitentiary medical staff, states that the applicant has a severe myocarditis and a cardiac decompensation, chronic glomerular nephritis, and symptoms referable to the brain. He refused

to eat and also refuses to take anything by mouth, and it is necessary to give him all medication by hypodermic.

The applicant had no previous record and up to the time of this offense he lived a very law-abiding life.

The Board is of the opinion that this man, who has deteriorated, physically and mentally, and who is presently confined to a hospital bed, has but a few years to live. The crime had many aspects of second degree murder, and was so considered by the Judge and district attorney. If such be the case he will have served the minimum term of a second degree sentence. In view of the factors in this case, which have been referred to in these reasons, the Board believes that the mercy of the Commonwealth can well be extended to this man, well advanced in years, and the Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Elwood Calvin Burger, C-1733, No. A-2533, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Elwood Calvin Burger, convicted of burglary, larceny, receiving stolen goods and burglary and prison breach in the Court of Oyer and Terminer of Blair County on June 13, 1950, computed from April 7, 1950 be commuted from 12 years to 7 years, 4 months, 20 days expiring on August 27, 1957.

Our reasons for making this recommendation are as follows:

This applicant is twenty-eight years of age. He, together with five accomplices, participated in a series of burglaries and larceny in Blair County. While confined in 1948, on these charges, he and three other inmates, escaped from Prison and subsequently were arrested in Texas. On their way from Pennsylvania to Texas, they committed offenses in Oklahoma. The applicant served a two year sentence in the Oklahoma prison and was returned to Pennsylvania for trial and sentenced on the escape.

The trial judge is deceased, and the President Judge, the Honorable John M. Klepser, stated to the parole agent that he would be satisfied with any decision reached by the Board. The district attorney, Park H. Loose, Esquire, wrote the Board that he would rely on the Board.

The penitentiary staff reports that this applicant has maintained a good institutional record and shows a cooperative and respectful attitude. The staff feels that in view of the long period of time now served, the type of adjustment shown, there would seem nothing to be gained by further confinement. This applicant has been employed as a clerk in the plumbing shop.

The Board feels that this applicant, who at an early age committed serious offenses, has, in the past seven and one-half years, become adjusted and rehabilitated, and, with the training he has received he is equipped to earn a livelihood that should be sufficient to keep him from committing offenses against society. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Burton, B-5412, No. 9521, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of William Burton, convicted of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on February 25, 1937 be commuted from life imprisonment to 20 years, 6 months expiring August 25, 1957.

Our reasons for making this recommendation are as follows:

This applicant is fifty-two years of age. He became involved in a fight with an acquaintance and in the course of the brawl he drew a knife and fatally stabbed the victim. It appears that the applicant and the victim had relations with one Eva Cowden and it was over this woman that the fight ensued.

The trial judge, the Honorable Frank P. Patterson, is deceased, and the President Judge, the Honorable William H. McNaugher, states that he has no information on the case upon which to base his opinion. The district attorney stated that his office was not opposed to the granting of commutation at this time.

The penitentiary staff states that the applicant has a satisfactory institutional adjustment record and that he has earned an honor rating. The staff further reports that a favorable opinion of this man has been formed. He is presently working as a garage mechanic and is equipped to carry on that work, if released.

The applicant has served over twenty years of his life sentence and there is every reason to believe that he will not offend against the laws of this Commonwealth. The Board, therefore, recommends that his sentence be commuted and that he be released on parole.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Marcus Clauser, D-2126, No. A-1316, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence

of Marcus Clauser, convicted of murder in the first degree, in the Court of Oyer and Terminer and Quarter Sessions of Lehigh County on April 9, 1937 be commuted from life imprisonment to 20 years, 4 months, 20 days, expiring on August 29, 1957.

Our reasons for making this recommendation are as follows:

This applicant is sixty-two years of age. He was a night watchman in a garage and one of the rules was to permit no stranger, or employee, to sleep on the garage premises. However, when the victim appeared at the garage and requested permission to sleep there, the applicant, who knew him, granted his request. During the night, the applicant secured an iron rod and beat the victim over the head until dead. Later, he took the victim in a car, drove out of the city and dumped the body along the side of the road in a ditch.

Various motives have been ascribed for the commission of this offense but the real reason has never been satisfactorily given. Dr. Keller, former Superintendent of Pennhurst, who examined the applicant stated the applicant had a desire to dress like a woman, possessed what was described as "birth fancy," and probably was a bi-sexual.

The trial judge is deceased but the President Judge, the Honorable James F. Henninger, wrote the Board that he had no objection to a commutation being granted. The district attorney advised the parole agent that he would rely on the Board and abide by the Board's decision.

The penitentiary staff reports that during the past twenty years this applicant has been confined he has maintained an unblemished disciplinary record. He appears quite steady, stable and shows ability to persevere in a task even though of limited intelligence.

The Board has been informed that the applicant is a diabetic and in need of constant medication.

The Board believes that this applicant, who had no previous record, has been completely rehabilitated and if released will not again offend against the laws of society. The Board, taking this fact into consideration, as well as the advancing age of the applicant, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Corvi, E-939, No. 9278, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Joseph Corvi, convicted of burglary and larceny in the Court of Oyer and Terminer of Montgomery County on March 4, 1949, computed from December 7, 1948, be commuted from 10 years to 8 years, 8 months, 20 days expiring on August 27, 1957; and further recommend that the minimum sentence of Joseph Corvi, convicted of burglary and larceny in the Court of Oyer and Terminer of Delaware County on March 1, 1949, computed from December 7, 1948, be commuted from 10 years to 8 years, 8 months, 20 days, expiring on August 27, 1957, and further recommend that the minimum sentence of Joseph Corvi, convicted of burglary and larceny in the Court of Oyer and Terminer of Philadelphia County on April 26,

1949, computed from April 26, 1949, be commuted from 10 years to 8 years, 4 months, 1 day, expiring on August 27, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty years of age. The applicant, during 1948, burglarized dwellings in Philadelphia, Delaware and Montgomery Counties, taking money, jewelry, clothing and small items of furniture from various homes in that area. The value of the loot was in excess of Thirteen Thousand Dollars. The applicant had no accomplices.

In Philadelphia County, the Honorable Francis Shunk Brown, Jr., expressed the thought that the applicant should serve the entire minimum sentence. The Philadelphia district attorney advised the Board that his office was not opposed to commutation. The Delaware County Judge, the Honorable William R. Toal, advised the Board that he had no objection if the Board is convinced that the applicant is rehabilitated. The district attorney of Delaware County stated he had no objection. The Montgomery County Judge, the Honorable William F. Dannehower, stated to the parole agent that he was not favorably inclined towards commutation.

The penitentiary staff stated that the applicant has demonstrated increased maturity and excellent adjustment. He has made advancements in the educational field and has held positions that carry responsibility in the penitentiary.

The Board believes that this applicant, although having a previous record, has matured and that he has adjusted adequately and, if released, will conduct himself as a good citizen. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of George Wade Crawford, B-4587, No. 7791, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of George Wade Crawford, convicted of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on June 24, 1935 be commuted from life imprisonment to 22 years, 2 months, expiring on August 24, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty-three years of age. He was living in common-law marriage with the victim and it appears from the Court testimony that he was severely beating her, and mistreating her. One of the fights occurred early one morning, and later in the morning the body of the victim was found in an alley-way in the rear of the house. The testimony at the trial indicated that the woman was severely beaten around the head and her body had been dragged into the alley-way by the applicant.

The trial judge is deceased and the President Judge stated that he had no information on the case on which to base an opinion. The district attorney stated to the Board that he was not opposed to the granting of clemency in view of the fact that the applicant has been

confined for over twenty-one years.

The penitentiary staff reports that the applicant has maintained an excellent conduct record and has compiled a commendable vocational history. He appears to be sobered by incarceration and has given no indication of aggressive tendencies during imprisonment.

The Board has been informed that the applicant will be able to maintain himself upon release, from his savings, and that he is equipped to carry on the trade of tailoring, which he learned in the penitentiary. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Randolph Hill, D-8208, No. 9555, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William Randolph Hill, convicted of robbery, burglary larceny in the Court of Quarter Sessions of Dauphin County on March 21, 1945, computed from January 12, 1945 be commuted from 17 years, 6 months to 12 years, 7 months, 10 days, expiring on August 22, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty years of age. He, together with an accomplice, was involved in a series of robberies, burglaries and larcenies and also strong-armed three different persons on the streets.

The applicant's accomplice, Robert Carter, Jr., who was involved in only one of the burglaries and who received an eight to sixteen year sentence, had his sentence commuted by the Board in April 1954.

The trial judge, the Honorable William M. Hargest, is deceased, and the President Judge, the Honorable Paul G. Smith, wrote the Board that he would leave the matter entirely to the good judgement of the Board. The district attorney stated to the Board that if the institutional record of the applicant is good, then his office has no objection to the granting of the application.

The penitentiary staff reports that the applicant has demonstrated good habits of industry, and reports from all departments are considered satisfactory. He has made every effort to adjust himself.

It was reported to the Board that he is presently working in the Hobby Shop, and has managed to send over Eight Hundred Dollars to his family and has a fair sum of money in the bank in the institution.

The Board believes that the time is right to release this applicant, who has served over twelve years of his minimum sentence, so that he may prove to himself, his friends and family that he is able to conduct himself as a law-abiding citizen, and, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.

(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Clarence Hochard, B-8455, No. A-2806, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Clarence Hochard, convicted of rape, statutory rape, assault with intent to ravish; assault and battery, etc. in the Court of Quarter Sessions of Indiana County on February 8, 1943, computed from January 7, 1943 be commuted from 17 years, 6 months to 14 years, 7 months, 20 days, expiring on August 27, 1957.

Our reasons for making this recommendation are as follows:

This applicant is fifty-four years of age. It appears from the record that the applicant picked up, in his automobile, various girls from twelve to fourteen years of age on their way to school, offering them a ride. Instead of leaving them out at the School House, he drove further along the road and attempted intercourse with these young girls. These attacks on the children came to the attention of the authorities and he was subsequently arrested and sentenced.

The trial judge is no longer on the bench, and the President Judge, the Honorable Edwin M. Clark, advised the parole agent that he was not opposed to the application. The district attorney stated to the parole agent that he neither opposed nor recommended the granting of commutation.

The penitentiary authorities state that the applicant's institutional record has been excellent, and he has been the head inmate electrician and is considered to be near the top in his field. He has improved himself scholastically during imprisonment.

At present the applicant is suffering from a heart condition, which condition prevents him from carrying out his duties as head inmate electrician.

The majority of the Board feels that this man, who has served over fourteen years of his minimum sentence of seventeen years, will not again offend the laws of the Commonwealth. His training in the penitentiary has equipped him to follow the electrical trade so he will be able to support himself. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN, Dissents
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Jacob V. Hoffman, D-6569, No. 9160, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Jacob V. Hoffman, convicted of murder in the first degree in the Court of Oyer and Terminer of Berks County on June 8, 1942, computed from March 11, 1942 be commuted from life imprisonment to 15 years, 5 months, 10 days, expiring on August 21, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty-seven years of age. The applicant was engaged to the victim and had the habit of turning over to her his weekly pay check. From time to time the applicant, and the victim, occupied the same room but frequent arguments and disturbances occurred and they would separate for short periods of time. The victim dominated the applicant completely and on the day in question the victim demanded money to buy a new coat. The applicant had exhausted his funds and the victim, therefore, stated she would procure the money for this coat from another man. A violent dispute arose between them and the applicant grabbed and shook the victim. She fell and struck her head causing a fatal injury. The applicant attempted suicide but it was not effective.

The trial judge, the Honorable H. Robert Mays, telephoned the office of the Board that he had no objection to the granting of commutation. The other trial judge, the Honorable Forrest R. Shanaman, wrote the Board that he considered the application to be premature. The district attorney's office advised the parole agent that he had no objection to commutation being granted.

The applicant had no previous record and this was his first offense and arrest.

The penitentiary staff reports that he has established and maintained an excellent record for the past fifteen years, and all reports commend him upon his attitude and adjustment. The Board believes he has been sufficiently punished for this crime of passion and recommend that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor,
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William August Johannes, B-8280, No. 8852, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of William August Johannes, convicted of murder in the first degree in the Court of Oyer and Terminer of Mercer County on July 15, 1942, be commuted from life imprisonment to 15 years, 1 month, 10 days, expiring on August 25, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-five years of age. He, with three accomplices, and armed, went in his car to Sharpsville to carry out a planned robbery. A clerk was fatally shot in the course of the robbery and the group fled without obtaining any money or valuables. They returned to Youngstown, Ohio.

The case was broken when the applicant was arrested

in Youngstown, Ohio, on suspicion of robbery and he, believing the arrest was for the murder of the victim, confessed to the murder and implicated the others.

The trial judge is no longer on the bench and the President Judge, the Honorable Herman M. Rodgers, is opposed. The district attorney advised the parole agent that he would abide by the decision of the Board.

The penitentiary staff reports that this applicant has become a qualified dental technician and has prepared himself by study and practical experience in the dental office of the institution to a degree that he should have no trouble in making an excellent adjustment if released.

The applicant is a first offender and has served about fifteen years in a satisfactory manner. He has always performed top level assignments of responsibility and trust, and his attitude and motivations are most favorable.

The Board feels that this youth, who had no previous criminal arrests, and whose judgment has improved through maturation, will be able to take his place in society, and the Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor,
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Edward Johnson, B-6399, No. A-2464, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Edward Johnson, convicted of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on October 27, 1938, be commuted from life imprisonment to 18 years, 10 months, expiring on August 27, 1957.

Our reasons for making this recommendation are as follows:

This applicant is fifty-seven years of age. The applicant was engaged in a card game with a group and the victim, it is stated, took advantage of the applicant in the game. A quarrel ensued and the victim slapped the applicant on the back of his head. The applicant then left the game, went to his room and procured a revolver. The applicant went to the home of the victim and when the victim appeared, he was fatally shot. The applicant is crippled and it would appear from the testimony that he was in fear of his life.

The trial judge, the Honorable J. Frank Graff, wrote the Board that he would rely on the Board for its decision. Likewise, the district attorney advised the Board that he had no objection to the granting of clemency.

The penitentiary staff reports that the adjustment of the applicant has been very satisfactory and he is progressing in an excellent manner in the institution. It is the opinion of the staff that nothing is to be gained by further incarceration in this case.

The applicant has learned the tailoring trade and it is believed that he can secure employment in that trade, if released.

The Board believes that this applicant has been rehabilitated sufficiently to be restored to normal living and that since he has acquired both trade and education

sufficient to earn his own livelihood, the Board recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Ewald Klaiber, No. A-4132, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Ewald Klaiber, convicted of burglary of a motor vehicle in the Court of Quarter Sessions of Clearfield County, on August 20, 1956, be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is twenty-two years of age. He, together with an accomplice, saw a car along the road, unoccupied. They opened the car, and stole a flash-light, sun glasses and small items of that nature. As they were completing the job, four men came out of the nearby woods, and saw them. These men held the applicant for the arrival of the police and the accomplice, who had fled, was apprehended later.

This applicant was discharged on parole on September 21, 1956, by the Clearfield County Court, after serving only one month of his sentence.

Since his release the applicant has been notified that he is subject to deportation to Germany.

The trial judge, the Honorable John J. Pentz, writes the Board that, in his opinion, the consequent deportation is too heavy a penalty for this man's offense, and, therefore, he is not opposed to the granting of clemency. He states: "I believe he will remain free from any further difficulties. I understand the rest of his family are excellent people and are making good citizens; and this man's difficulty is largely due to his not taking proper care of his associates. * * *" The district attorney wrote the Board that he is in favor of a pardon being granted.

The applicant is at present employed by the S. & S. Tire Company of Punxsutawney, and the parole agent reports that he bears a good reputation in the area. His employer states that he is a very industrious worker and satisfactory employee.

The Board agrees with the sentencing judge that deportation is too heavy a penalty for this man's only offense and the Board, therefore, recommends a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Stephen F. Kloiber, No. A-3681, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Stephen F. Kloiber, convicted of robbery, while armed, assault with intent to rob; larceny; receiving, in the Court of Quarter Sessions of Lehigh County on August 10, 1953, computed from December 27, 1954 be commuted from 3 years, 6 months to 2 years, 8 months, expiring on August 27, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-five years of age. He, together with two accomplices, entered the office of a dress company in Allentown, and, at gun point, took the payroll from the bookkeeper. The applicant, when arrested, plead not guilty but was so adjudged by the jury. The applicant had a minor criminal record, rather insignificant, to wit: harboring a jail fugitive.

The trial judge, the Honorable James F. Henninger, wrote the Board that he would leave the matter in the hands of the Board for such disposition as the Board saw fit. The district attorney advised the parole agent that he would leave the matter to the discretion of the Board.

The warden of the Lehigh County Prison wrote the Board that the applicant has maintained an excellent disciplinary record and that at present he is working as a runner in the prison. In addition the warden states: "If again given a chance I think that Stephen Kloiber will be a credit to his community."

The applicant has spent about two-thirds of his minimum sentence in prison and from information received it would appear that this applicant, if released, will conduct himself as a law-abiding citizen in the future.

The Board believes that this applicant has been sufficiently punished and, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Loncar, 3353-B, No. A-4089, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Joseph Loncar, convicted of burglary and larceny in the Court of Quarter Sessions of Indiana County on September 20, 1948, computed from July 29, 1948, be commuted from 10 years to 9 years, 4 months expiring on November 29, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action

to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until July 29, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of George Lucas, 3004-B, No. 9975, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of George Lucas, convicted of burglary, larceny, burglary and larceny in the Court of Oyer and Terminer and Quarter Sessions of Crawford County on July 6, 1948, computed from June 1, 1948, be commuted from 10 years to 9 years, 5 months, 20 days, expiring on November 21, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until June 1, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Fred McIntosh, C-3776, No. A-3688, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due

public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Fred McIntosh, convicted of pandering in the Court of Quarter Sessions of Allegheny County on April 22, 1955, computed from March 11, 1955, be commuted from 3 years, 6 months to 2 years, 5 months, 17 days expiring on August 28, 1957.

Our reasons for making this recommendation are as follows:

This applicant is forty-two years of age. It appears that the applicant was living in common-law relationship and compelled the victim to solicit as a prostitute. The money she received for these acts, he took. Upon the complaint of this woman, the applicant was arrested and sentenced.

The trial judge, the Honorable J. Frank Graff, wrote the Board that he would have no objection to any action taken by it. However, the district attorney stated that his office was opposed to the reduction of sentence as it was felt the applicant received a lenient one.

The penitentiary staff states that this applicant has made an excellent adjustment and they believe that his adjustment has been marked by a sincere desire to adjust as a useful citizen if released.

The applicant has served nearly three-quarters of his minimum sentence and this offense was his first imprisonment.

The majority of the Board feels that this applicant will conduct himself in the future as a satisfactory citizen and will adapt to the laws of society. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN, Dissents
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Lewis Thomas Osborn, B-8283, No. 8854, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Lewis Thomas Osborn, convicted of murder in the first degree in the Court of Oyer and Terminer of Mercer County on July 15, 1942 be commuted from life imprisonment to 15 years, 1 month, 10 days, expiring on August 25, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-five years of age. He and three accomplices, went in the automobile of one of the accomplices to carry out a planned robbery. In the course of the robbery the victim, a clerk, was fatally shot and the group fled without obtaining any money or valuables. They returned to Youngstown, Ohio.

The case was broken when one of the accomplices, Johannes, was arrested on a suspicion of robbery, and believing the arrest was for the murder of the victim, confessed to the murder and implicated the others.

The trial judge is no longer on the bench and the President Judge, the Honorable Herman M. Rodgers, is opposed. The district attorney advised the parole agent that he would abide by the decision of the Board.

The penitentiary staff reports that this applicant has improved his educational standing by receiving a high

school diploma. The staff also reports that he has been cooperative and has a respectful attitude toward authority and has performed very well on assignments of trust and responsibility. It is the opinion of the staff that confinement over this relatively long period of time has proven beneficial and now might be the optimum time for consideration of an early release. At present this applicant works in the garage and parole office, and he had worked in the supply storeroom and engineer's office.

The Board believes that this applicant, who has made concrete efforts towards rehabilitation, should be able to adjust well and readily if released, and the Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of August Pascal, C-535, No. 7949, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of August Pascal, convicted of kidnapping in the Court of Oyer and Terminer and Quarter Sessions of Montgomery County on November 20, 1920 be commuted from life imprisonment to 36 years, 9 months, 8 days, expiring on August 28, 1957.

Our reasons for making this recommendation are as follows:

This applicant is seventy-three years of age. He plead guilty to kidnapping a baby from Mr. and Mrs. George Coughlin, and extorting ransom from the family on the pretense that the child would be returned unharmed. However, the child was killed, or died from suffocation, and the body thrown into the Schuylkill River. The apprehension of the applicant by the State Police was a thrilling story of detection and arrest, and is one of their outstanding cases.

This applicant today is in a hospital bed in the penitentiary hospital. He is nearly blind, and dying from cancer, and lies in the bed in a semi-comatose state. Over the years, this man has made repeated applications for clemency, and in many of them he has varied his story so that there is some question as to the truth. The court, and the police, have never quite satisfactorily agreed that he ever told the truth as to the facts of this crime.

The President Judge, the Honorable Harold G. Knight, writes the Board: "Pascal himself has told so many stories in reference to the crime, that you cannot believe anything he says. You will note in this application he claims that he had accomplices that he did not know. I do not believe that this is true." The district attorney likewise expressed to the Board his opposition.

The penitentiary staff states that the applicant has maintained a good institutional record and confirms the fact that he is in poor physical condition.

The Board recommends this application because of the physical condition of the applicant and the advanced age of the applicant, who is dying. The Board believes that in the closing moments of his life he should be permitted to go outside the prison walls, and, therefore, recommends commutation of his sentence.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Stephen S. Terlesky, 6984, No. A-3820, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Stephen S. Terlesky, convicted of fraudulent conversion in the Court of Quarter Sessions of Northampton County on November 22, 1955 be commuted from 2 years to 1 year, 9 months, expiring on August 22, 1957. Our reasons for making this recommendation are as follows:

This applicant is forty-four years of age. The testimony discloses that he was engaged in real estate business in Easton, and was a partner with two men in development of a building project. He expended in excess of ten thousand dollars, which the partners alleged belonged to the firm. He also converted to his own use approximately five thousand dollars, paid him as desposits by clients, for the purchase of lots and homes. A portion of these funds have been returned.

He had no previous criminal record, and had enjoyed an excellent reputation and was considered one of the leading real estate brokers in the City of Easton.

The trial judge, the Honorable William G. Barthold, stated it was a proper sentence. The Honorable Carleton T. Woodring wrote the Board that he would have no objection to commutation. The district attorney, Edward G. Ruyak, Esquire, wrote the Board that he had no objection to commutation being granted.

The Board received written comments from the Warden of the prison stating: "I believe that further incarceration would impair his health." The warden also recommended consideration of the application.

The Board is in receipt of many letters attesting to the fine reputation that the applicant enjoyed prior to this offense, and recommending that the Board give the application serious consideration.

The Board has a recent statement from the family physician stating that at present the applicant is suffering from a gastric ulcer, and that his incarceration is not helping in its cure. The Board has been informed that his family is in urgent need of his help, and since he has served more than three-quarters of his minimum sentence, the Board recommends commutation.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles C. Vitretti, E-6195, No. A4104, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles C. Vitretti, convicted of taking female child for sexual intercourse, and corrupting morals of a minor in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on February 2, 1956, computed from January 27, 1956 be commuted from 2½ years to 1 year, 7 months, expiring on August 27, 1957.

Our reasons for making this recommendation are as follows:

This applicant is fifty-three years of age. It appears from the notes of testimony that this applicant took this minor child on trips out into the country, where he would attend auction sales. After several of these trips the applicant had intimate relationships with this young girl. Although these offenses all occurred in Montgomery County, the applicant and the victim resided in Philadelphia County.

The trial judge, the Honorable Leo Weinrott, wrote the Board that "disposition lies with your Board." The district attorney expressed opposition to the granting of clemency at this time.

The penitentiary staff reports that the applicant appears to be penitent for the offense committed, and it is felt that further incarceration will not act as a deterrent for any future misconducts and that this might be the appropriate time for consideration of his plea.

The Board is of the opinion that this man, who offended against the laws of morality, has been sufficiently punished and that this sentence has had a very salutary effect upon him. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Willis Orr Wenner, 1373-D, No. 9201, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Willis Orr Wenner, convicted of robbery in the Court of Oyer and Terminer of Clarion County on June 8, 1944, be commuted from 15 years to 13 years, 5 months, 20 days expiring on November 28, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until June 8, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of

Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Clyde White, 3878, No. A 566, June Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Clyde White, convicted of murder in the second degree in the Court of Oyer and Terminer of Fayette County on June 28, 1940, computed from February 7, 1949, be commuted from 10 years to 8 years, 6 months, 20 days, expiring on August 27, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-seven years of age. He, with two accomplices, were alleged to have held up and murdered one Henry D. Forster, a man about seventy years of age. The entire circumstances of the killing were such that there is some question whether this applicant was involved in this offense, although he was a member of the same group that had committed offenses in Westmoreland and Fayette Counties.

In 1933 the applicant was committed to Farview State Hospital and was returned to the Western State Penitentiary in January 1955 but he again broke down, and was readmitted to Farview in May of that year. The hospital records indicate that he can now be safely discharged, but they feel that if he is returned to the penitentiary he will probably have another breakdown. The Superintendent of the Farview State Hospital, Dr. John P. Shovlin, wrote the Board as follows:

"... He was adjudged insane by a commission once again and recommitted to this hospital May 24, 1955. Removed from the stressful prison environment his symptoms gradually disappeared and within a few weeks he was assigned to duties in the main kitchen where he proved to be a very willing and diligent worker and has cooperated fully and at all times with the hospital personnel. Since approximately December 1955 he has been afforded the status of a semi-trusty performing duties outside of the security section in the Administration Building and as caretaker at the residence of the Assistant Superintendent. Much of this time was spent without close supervision. At no time has Mr. White violated in any manner the confidence which we were able to place in him."

Dr. Shovlin ended his letter by stating:

"The Medical Staff further feels that in light of his previous experiences, it is reasonable to assume that his return to a prison environment would probably precipitate a recurrence of a mental break-down."

"Accordingly, we would encourage favorable action of this application."

The trial judge, the Honorable W. Russell Carr, stated to the parole agent that he was not opposed. Likewise, the district attorney stated to the parole agent that he would rely upon the Board's decision.

It is evident that the applicant suffers from severe

mental disturbances and that further incarceration would probably mean his commitment to an insane hospital for the remainder of his life. The applicant has already served a total of eighteen years, and the Board believes that if released, under close supervision, there is every likelihood that he will conduct himself as a normal citizen. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted, /

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Floyd Almo, No. A 4175, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Floyd Almo, convicted of burglary and larceny in the Court of Quarter Sessions of Washington County, on June 20, 1941 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is thirty-four years of age. It appears that he broke into the Blue Star Potatoe Chip Factory and stole about Twenty Dollars worth of merchandise. The applicant spent eighteen months in Morganza School. Since his release he has lead a law-abiding life.

These offenses took place when he was but a young man about nineteen years of age. At present he is employed by the Refinery Engineering Company as a truck driver.

The trial judge, the Honorable Carl E. Gibson, is no longer on the bench. However, the Honorable David H. Weiner wrote the Board recommending favorable consideration of his plea. He further states: "I happen to be familiar with all the facts and I know that the crime was committed while he was quite young and since that time, particularly of late years, he has become a very good citizen."

All reports indicate that the applicant is an honest and trustworthy individual who enjoys a good reputation. It is to be noted that he has committed no offenses, even of a minor nature.

The Board believes that this man has completely rehabilitated himself and will not again offend against the laws of the community. The Board, therefore, recommends a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Eupilo Andretto, 8813-B, No. A4173, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Eupilo Andretto, convicted of Voluntary Manslaughter in the Court of Quarter Sessions of Delaware County on June 20, 1951, computed from March 27, 1951, be commuted from 7 years to 6 years, 8 months, 20 days, expiring on December 17, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until March 27, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Paul William Barrick, B-6753, No. 9112, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the Life sentence of Paul William Barrick, convicted of Murder in the first degree in the Court of Oyer and Terminer of Juniata County on June 14, 1939 be commuted from life imprisonment to 18 years, 6 months, 20 days, expiring on January 4, 1958.

Our reasons for making this recommendation are as follows:

This applicant is forty years of age. He pleaded guilty to the crime of murder of the death of a child. It appears that this child was two years old and was the daughter of his girl friend. For some reason or other the child disobeyed and he proceeded to punish this little girl by striking her with a paddle and he also struck her with his first. The testimony at the trial indicated he had mistreated this child frequently.

The trial judge is deceased. However, President Judge Harry B. Crytzer wrote the Board in detail and stated: "This man in my humble opinion has been punished more than is justified by either the facts or the law." The Judge stated he was convinced the applicant was guilty only of a second degree murder. The district attorney wrote the Board that the applicant now deserves clemency for the reason that he has learned his lesson and learned to respect the rights of others.

The Board received a letter from the maternal grand-

mother of the deceased child stating that she was not opposed to the granting of the applicant's plea.

The applicant has served over eighteen years of his life sentence. During his confinement he has established a record of dependability. He has advanced his educational status and displays no criminal tendencies. He has shown increased maturity and the Board believes that if released he will live a law-abiding life in the future. The Board, therefore, recommends his life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James M. Bates, 6370-A, No. A-4189, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of James M. Bates, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Dauphin County on May 29, 1940, computed from May 27, 1940 be commuted from 20 years to 17 years, 6 months, 20 days, expiring on December 17, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until May 27, 1960.

For the reason that this applicant has served a long time on parole, and further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Frank Beatty, 563-A, No. 5738, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum

sentence of Frank Beatty, convicted of breaking and entering, larceny, robbery, larceny of auto in the Court of Quarter Sessions of Washington County on November 15, 1937, computed from September 4, 1937 be commuted from 38 years to 20 years, 3 months, 10 days, expiring on December 14, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until September 4, 1975.

For the reason that this applicant has served a long time on parole, and further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Blagman, 5612-A, No. A-4149, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of James Blagman, convicted of robbery in the Court of Oyer and Terminer of Philadelphia County on October 31, 1940, computed from February 25, 1941 be commuted from 20 years to 16 years, 9 months, 20 days, expiring on December 15, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until February 25, 1961.

For the reason that this applicant has served a long time on parole, and further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Irvin Brubaker, 5993-B, No. A-1272, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Irvin Brubaker, convicted of burglary in the Court of Oyer and Terminer of Lebanon County on August 13, 1949 be commuted from 10 years to 8 years, 4 months, expiring on December 13, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until August 13, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Bucklaew, 5181-B, No. A-4143, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Joseph Bucklaew, convicted of taking a female child for sexual intercourse, etc., in the Court of Oyer and Terminer of Philadelphia County on December 1, 1939, computed from November 21, 1939 be commuted from 20 years to 18 years, 20 days, expiring on December 11, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until November 21, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Willard E. Comer, Sr., C-1731, No. A-3661, June Session, 1957. (Recommended September 1957 Session)

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Willard E. Comer, Sr., convicted of burglary, larceny, unlawful possession Firearms and burglary tools; Violation Uniform Firearms Act in the Court of Oyer and Terminer and Quarter Sessions of Washington County on May 29, 1950, computed from January 23, 1950 be commuted from 9½ years to 7 years, 11 months, 10 days, expiring on January 3, 1958.

Our reasons for making this recommendation are as follows:

The facts of the crime are that the applicant drove an automobile with two accomplices to a club and burglarized the establishment of cash, cigarettes, liquor, etc. The applicant plead not guilty but was adjudged guilty by the jury.

The applicant had a criminal record for the past thirty-five, or forty years, and was involved with his son and another man in the commission of these offenses in Allegheny County. However, the applicant, who is now sixty-nine years of age, is suffering from stomach cancer, and the institutional authorities feel that he has not too many more years to live.

The trial judge, the Honorable Carl Gibson, is no longer on the bench, but the President Judge, the Honorable Roy I. Carson, feels that this application should receive very careful consideration. The district attorney's office is opposed to the granting of commutation, we are advised by the parole investigator.

The penitentiary states that the applicant has an excellent record but his health is in such condition that it is hardly to be expected that, if released, he would continue in a life of crime. It is further stated by the authorities that he has an acute condition which makes his life expectancy very brief.

The Board is of the opinion that this applicant will not return to a life of crime because of his physical condition and further believes that this applicant should end his days free from the confines of a prison. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN, Dissents
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Albert Dech, 7037-D, No. 9995, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Albert Dech, convicted of robbery, larceny, carrying concealed deadly weapons; robbery while armed in the Court of Oyer and Terminer of Lehigh County on June 1, 1943, computed from May 25, 1933 be commuted from 30 years to 14 years, 6 months, 20 days, expiring on December 15, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until May 25, 1973.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Martin Delach, 8133-A, No. 142, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Martin Delach, convicted of burglary and robbery in the Court of Oyer and Terminer of Allegheny County on February 29, 1944, computed from December 13, 1947 be commuted from 12 years to 10 years expiring on December 13, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until December 13, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Samuel De Meo, 3332-B, No. 9602, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Samuel De Meo, convicted of assault, being armed with intent to rob, etc., in the Court of Oyer and Terminer of Philadelphia County on April 29, 1941, computed from April 16, 1941 be commuted from 20 years to 16 years, 8 months, expiring on December 16, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until April 16, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Edward A. Devlin, E-756, No. 7102, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Edward A. Devlin, convicted of sodomy in the Court of Quarter Sessions of Philadelphia County on December 30, 1948, computed from December 16, 1948 be commuted from 10 years to 9 years, 20 days, expiring on January 6, 1958.

Our reasons for making this recommendation are as follows:

This applicant is seventy-five years of age. He plead guilty to one indictment, and was convicted of a similar crime on a second indictment and received a total of ten to twenty years. Briefly the crime was that the applicant harbored a fifteen year run-away boy in his room and committed the act of sodomy upon him. In the second

offense a young boy of similar age visited the applicant very frequently and the same act was committed.

The trial judge, the Honorable Joseph Sloane, is opposed to commutation of this applicant's sentence. The district attorney is likewise opposed to the granting of commutation.

This applicant has served over eight years of his minimum. The penitentiary staff believes that the applicant has reached such an age in life it is hardly likely that he will commit these offenses if released. He will be under strict supervision of the Board of Parole, if released.

The Board, taking into consideration the age of the applicant, and the fact that he has only a short time to serve before the expiration of his sentence, and believing that he will not again offend against the laws of society, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN, Dissents
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles Dilks, 7187-B, No. A-679, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Charles Dilks, convicted of burglary, larceny in the Court of Quarter Sessions of Philadelphia County on July 14, 1950, computed from June 12, 1950 be commuted from 8 years to 7 years, 6 months, expiring on December 12, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until June 12, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of George Washington Dillard, B-3621, No. 8199, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of George Washington Dillard, convicted of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on March 17, 1933 be commuted from life imprisonment to 24, years, 9 months, 20 days, expiring on January 7, 1958.

Our reasons for making this recommendation are as follows:

This applicant, who is fifty-nine years of age, together with two accomplices, engaged in a street fight, following a visit to a speak-easy. One of the accomplices, Edward McBurse, threw a brick, hitting the victim. The applicant is alleged to have crossed the street and called the victim a vile name. He struck the victim with a blunt instrument, fracturing his skull and causing his death. The applicant was sentenced to life imprisonment and the two accomplices were given sentences of five to ten years each.

The trial judge, the Honorable J. Frank Graff, wrote to the Board that he had no objection to any action of the Board to extend clemency. The Assistant District Attorney of Allegheny County informed the Board that he had no objection.

The Board is informed by the penitentiary staff that the applicant has behaved himself very well and he is presently employed in the laundry, but had previously been employed in the weave shop. It is reported he is a good worker.

This applicant, who has spent over twenty-four years of a life sentence in the penitentiary, shows no signs of aggression or hostility, and it is to be noted that the applicant had no extensive criminal background. The Board believes that if released this applicant will live a law-abiding life, and the Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Albert Dredden, #3048-B, No. 9490, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Albert Dredden 3048-B, convicted of assault; being armed with intent to rob in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on November 3, 1941, computed from October 17, 1941 be commuted from 20 years to 16 years, 2 months, expiring on December 17, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for

this action the applicant, because of his sentence, would remain on parole until October 17, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Isidor I. Eglensky, No. A-4181, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Isidor I. Eglensky, convicted of receiving stolen goods in the Court of Quarter Sessions of Schuylkill County on November 15, 1945; and further convicted of Conspiracy in the Court of Quarter Sessions of Berks County on March 13, 1952, be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is sixty-five years of age. He was in the junk business and purchased scrap which had been stolen in both Schuylkill and Berks Counties.

This applicant had been involved previously for violation of the junk law. The record indicates that he had been involved in numerous arrests over the years but this arrest brought his first conviction.

The applicant has applied for naturalization papers and the Government, upon investigation, discovered that he had been involved in violation of the junk law on numerous occasions, and ordered the deportation of the applicant. He would be deported to Russia, despite his age and the fact that he is married and has several children residing in the United States of America.

Neither sentencing judge wrote the Board, but the parole investigator was advised by Judge Palmer of Schuylkill County that he neither recommended nor opposed, and Judge Mays of Berks County was too ill to be contacted. The district attorney of Schuylkill County advised the investigator that he was strenuously opposed and the district attorney of Berks County stated he had no recommendation to make.

The Board believes that a man of these years, although having been involved in offenses of this nature, but whose reputation is satisfactory with regard to sobriety and industry, should not be deported. The Board therefore, recommends that a pardon for these offenses be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles E. Enck, No. A-4163, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the board of Pardons recommend that Charles E. Enck, convicted of burglary and receiving stolen goods in the Court of Oyer and Terminer of Dauphin County on June 1, 1953; and further convicted of drunken driving in the Court of Quarter Sessions of Cumberland County on September 1, 1953, be pardoned.

Our reasons for making this recommendation are as follows:

His first offense was the breaking and entry into the home of his former wife and removing certain items from that home including a purse holding about fifteen dollars. The applicant alleged that he was intoxicated at the time of the commission of this crime. His second offense was drunken driving and the sentence he received for this offense in Cumberland County was in connection with the first offense.

The trial judge in Dauphin County, the Honorable Walter Sohn, advised the parole investigator that he was not opposed to the granting of a pardon. The trial judge in Cumberland County, the Honorable Dale F. Shughart, wrote the Board that he had no objection to the granting of a pardon if the Board saw fit to grant clemency. The District Attorney of Dauphin County appeared before the Board and stated he was not opposed to the granting of a pardon, and the District Attorney of Cumberland County advised the parole investigator that he would concur with the opinion of Judge Shughart.

Since the commission of this offense and the serving of the sentence the applicant has moved to the State of New Jersey. He is now employed by the Fisher Publication Company of New Jersey, in the capacity of Sales Manager. The application brought to the attention of the Board letters from officials of the City of Harrisburg, his former residence, recommending consideration. The Board is also in receipt of a letter from the Chief of Police of Oakhurst, New Jersey, advising the Board that the applicant is respected by those who know him, bears a good reputation and is a sober, quiet type with many friends.

The Board believes that this young man will not again become involved in any criminal offenses. It has been noted that he has made restitution of the money and other items, and that he is now abstaining from the use of alcohol. The Board, therefore, recommends a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Emil Charles Erhart, Jr., 891-D, No. 4968, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Emil Charles Erhart, convicted of escaping prison in the Court of Quarter Session of Centre County, on the November 20, 1944, computed from November 16, 1948, be commuted from 10 years to 9 years, 1 month, expiring on December 16, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until November 16, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Harry J. Farrell, D-7186, No. A-1333, June Session, 1957 (Recommended September, 1957).
To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the life sentence of Harry J. Farrell, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on May 25, 1943, be commuted from life imprisonment to 14 years, 7 months, 10 days, expiring on January 5, 1958.

Our reasons for making this recommendation are as follows:

The facts of the crime are that this applicant was in a fight with his wife, whom he had accused of committing perversions with other men. The applicant beat his wife to death, claiming intoxication at the time of the offense. The applicant plead not guilty but was adjudged guilty by the jury.

The trial judge, the Honorable Joseph Sloane, wrote the Board that he would "have no objection and would leave it to your Board to decide." Likewise, the district attorney's representative advised the Board that they had no objections.

There is some suggestion that this crime rose no higher than a second degree murder, although the Court heard the evidence and held him for first degree murder. During his incarceration the applicant has conducted himself very well and has demonstrated habits of thrift and advancement in education. It is reported by the prison staff that he has an unblemished prison record.

The applicant had no prior record and there is every reason to believe that a man of his age will not again commit a criminal offense.

The Board, aware of the fact that he will be under parole supervision, and of the opinion that he will live a law-abiding life, recommends a commutation of his life sentence.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Jack K. Frawley, D-1208, No. A-458, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Jack K. Frawley, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on April 3, 1936, be commuted from life imprisonment to 21 years, 9 months, expiring on January 3, 1958.

Our reasons for making this recommendation are as follows:

The applicant, in December 1935, with two accomplices, held up a grocery store in Philadelphia. During the hold-up the applicant shot and killed the proprietor of the store. The applicant plead guilty and he, and his two accomplices, were sentenced to life imprisonment. The applicant was only a youth of nineteen at this time.

Both accomplices had their sentences commuted in 1953 and 1954 respectively, and the applicant has been incarcerated over twenty-one years.

The trial judge is deceased but we have a letter from the Honorable Francis Shunk Brown, Jr., wherein he states; "It seems to me that the commutation * * * is a matter entirely within the discretion of the Board." The District Attorney's office is not opposed.

The Warden of the Eastern State Penitentiary writes the Board that the applicant is "a Grand Mal epileptic and has attacks frequently and of a serious nature." The staff at the penitentiary states that the applicant's adjustment has been satisfactory, although his health has interfered with a more rapid adjustment.

The Board feels that the applicant has been punished for his misbehavior by remaining in the penitentiary much longer than his accomplices, and that no further benefit could be secured by further incarceration, and, therefore, recommends his life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles A. Grazione, No. A-3373, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Charles A. Grazione, convicted of suspicion of hold-up in Magistrates' Court of Philadelphia County, on April 19, 1928; and convicted of lottery in the Court of Quarter Sessions of Philadelphia County on November 7, 1929; and convicted of assault and battery in the Court of Quarter Sessions of Philadelphia County on December 2, 1938; and convicted of lottery in the Court of Quarter Sessions of Philadelphia County on January 20, 1941; and convicted of poolselling and bookmaking in Magistrates' Court of Philadelphia County on September 20, 1947; and convicted of poolselling and bookmaking in the Municipal Court of Philadelphia County on June 5, 1951, and convicted of Common Gambler in Magistrates' Court of Philadelphia County on June 12, 1952, be pardoned.

Our reasons for making this recommendation are as follows:

Prior to 1952 this applicant was involved in various offenses such as suspicion of a hold-up, lottery, assault and battery, poolselling and bookmaking, and being a common gambler. He was placed on probation for all these offenses except that of suspicion of a hold-up when he was committed to the House of Correction, but released three days later when the real culprit confessed.

Since the last offense in 1952 he has changed his way of life and is no longer associated with the gambling element. At present he is employed by the County of Philadelphia in the County Commissioner's Office.

The Board is in receipt of letters from the various sentencing judges. President Judge Eugene V. Alessandroni leaves the matter to the discretion of the Board. Likewise, the Honorable Adrian Bonnelly writes that he had no objection to the granting of the plea, and the Honorable Vincent A. Carroll writes that he is not familiar with the facts of the case. The district attorney's office is opposed.

The applicant desires this pardon to clear his record so that he can adopt the daughter of his wife by her first marriage. The investigation of this applicant's reputation in the community in which he lives reveals that he bears an excellent reputation.

The Board believes that this man has changed his way of life and there is little likelihood of his becoming involved in any violations in the future, and, therefore, recommends a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
GENEVIEVE BLATT—Dissents
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Louis George Greis, C-4162, No. A-4154, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Louis George Greis, convicted of sodomy in the Court of Quarter Sessions of Centre County on July 2, 1956 be commuted from 2 years to 1 year, 6 months expiring on January 2, 1958.

Our reasons for making this recommendation are as follows:

This applicant is twenty-five years of age. The applicant, a student at State College at the time of this offense, somehow became involved with the victim to such an extent that a disturbance was created and the police were called. The applicant was arrested. This offense occurred in the victim's room early in the morning. There was some indication that both the applicant and the victim had been drinking previous to the offense.

The trial judge is deceased and the present Judge, the Honorable A. H. Lipez, made no comment, or recommendation. The district attorney, according to the parole investigator, stated that he is definitely opposed, but he did not so advise the Board.

The Board has letters from many citizens from his home town, Mahanoy City, and from officials at the Pottsville Center of The Pennsylvania State University, attesting to the good character of this young man and his fine record as a student. His High School Principal has written the Board also regarding his character.

This applicant had no previous criminal record and has never been under observation for this kind of offense.

The Board was advised that this applicant will, if released, take advantage of the education courses granted to veterans. The Board believes that the applicant has been sufficiently punished and will no longer offend against the laws of society, and, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of George A. Grogan, B-7069, No. A704, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of George A. Grogan, convicted of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on January 29, 1940, computed from June 13, 1939, be commuted from life imprisonment to 18 years, 6 months, 20 days, expiring on January 3, 1958.

Our reasons for making this recommendation are as follows:

This applicant is forty-two years of age. He had an affair with a girl and following intercourse with her he killed her with a hammer. He later buried her in a shallow grave and threw away the hammer, blankets, and the girl's clothing.

The applicant fled to New York City and was later apprehended by the New York State authorities.

The Assistant District Attorney stated to the Board that he was not opposed to the granting of commutation. The trial judge did not furnish the Board with his comments and neither did the present judge, the Honorable William H. McNaugher, as he stated to the parole officer he was not familiar with the facts of the case.

The prison staff reports that this applicant has maintained a good conduct record and is presently employed as a block worker. He has been a cooperative, unassuming, conforming inmate and shows no anti-social tendencies.

This is the applicant's only criminal offense and the Board believes that he has been sufficiently rehabilitated

to be released to society. He has served over eighteen years in the penitentiary, and the Board, believing he has been sufficiently punished, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Arturo Guerrero, C-8518, No. 6868, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the life sentence of Arturo Guerrero, convicted of murder in the first degree in the Court of Oyer and Terminer of Philadelphia County on December 23, 1932 be commuted from life imprisonment to 25 years, 10 days, expiring on January 3, 1958.

Our reasons for making this recommendation are as follows:

This applicant is fifty-seven years of age. The facts of the crime are that the applicant, who was intoxicated, met the girl he had been living with in common-law relationship. She refused to return to the relationship and he chased her with an open razor. Near a gasoline station he grabbed her and cut her throat. She subsequently bled to death.

The trial judge is deceased, but the Honorable Vincent A. Carroll wrote the Board that this applicant deserved favorable consideration. Likewise, the Assistant District Attorney stated to the Board that they were not opposed.

The applicant had no previous arrests or convictions. This offense was his first criminal act.

The penitentiary staff reports that this applicant has maintained an unblemished disciplinary record, and he holds a position of trust outside the prison walls on a detail.

The applicant has served nearly twenty-five years of his life sentence. From all reports he has rehabilitated himself and the Board believes that he has been sufficiently punished for a crime of passion and that if released he will become a law-abiding citizen. The Board, therefore, recommends his sentence be commuted and he be released on parole.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Haines, Jr., E-5859, No. A-4223, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the minimum sentence of James Haines, Jr., convicted of use of drugs, and sale of drugs, in the Court of Quarter Sessions of Philadelphia County on May 18, 1955, computed from April 20, 1955 be commuted from 4 years, 6 months to 2 years, 8 months, 13 days, expiring on January 3, 1958.

Our reasons for making this recommendation are as follows:

This applicant is twenty-six years of age. Applicant was picked up by the police when they learned he was using narcotics. Puncture marks were found on his arm indicating he was a "user." Likewise, a sale of heroin was made to an under-cover officer of the police force. It was for these two offenses that he received a term of four and one-half to ten years.

The trial judge, the Honorable Vincent A. Carroll, wrote the Board that he had no objection to the release of this applicant by commutation of his minimum sentence, but was opposed to any commutation of his maximum sentence as this applicant should be under the strict supervision of the Parole Board for a number of years. The district attorney's representative stated to the Board that he was not opposed to the granting of the application.

The applicant, having served well over two and one-half years of his minimum sentence has been sufficiently punished is the opinion of the Board. Since he will be under the strict supervision of the Board of Parole the Board believes that he will not repeat this offense, and, therefore, recommends he be released on parole.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Walter C. Harris, No. A-4224, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Walter C. Harris, convicted of murder in the second degree in the Court of Quarter Sessions of Delaware County, on June 26, 1922 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is fifty-seven years of age. During 1931 his sentence was commuted to a ten year minimum. This offense occurred back in 1922 when, after a long argument between the applicant and a friend, the aunt of the attacker, stepping between them, received the full blast of a shot gun in the hands of the applicant and was killed.

Since his release from the penitentiary during the year 1932 the applicant moved to White Plains, New York, where he now resides and where he has been employed by the City of White Plains since 1947 in the Department of Public Works. The superintendent of that department wrote the Board stating that the applicant has been sober, industrious, honest, peaceable and thoroughly reliable and of good moral character.

The trial judge is deceased and the President Judge, the Honorable Henry G. Sweney, wrote the Board that he has

no objection to the granting of this pardon. Likewise, the district attorney wrote the Board that he believes favorable consideration is warranted.

The applicant was represented at the hearing by the City Solicitor of White Plains, New York. He is personally acquainted with the applicant and spoke of the law-abiding life of the applicant as a resident of New York. The applicant is desirous of having his citizenship rights restored by a pardon so that he can exercise his right to vote in New York State.

The Board believes that this applicant has proved that he is completely rehabilitated and the Board, therefore, recommends a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
NOT SITTING
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Earnest Hartman 7096-B, No. A-4178, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Earnest Hartman, convicted of sodomy in the Court of Oyer and Terminer of Lebanon County on November 22, 1940 be commuted from 20 years to 17 years 20 days expiring on December 12, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until November 22, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Henry George Heintz, 6614-E, No. A-4141, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Henry George Heintz, convicted of fraud and conversion in the Court of Quarter Sessions of Delaware County on February 8, 1957, be commuted from 2 years to 1 year.

Our reasons for making this recommendation are as follows:

This applicant, who is forty-seven years of age, was sentenced by the Quarter Sessions Court of Delaware County for the crime of fraud and conversion for from 2 to 5 years.

It would appear from the official notes of testimony that the applicant received a sum of money to install a heating unit in the home of the prosecutor. He failed to make the installation but did keep the money advanced. The applicant plead not guilty but was adjudged by a jury as guilty. A new trial was requested and granted, but he again was convicted by a jury.

The applicant had a record for previous arrests for this offense but was not found guilty except in one arrest in 1943.

The applicant is in a serious physical condition and is suffering from diabetes, inflammation of the gall bladder and a serious hernia. Dr. Joseph A. DiMedio appeared before the Board and presented the physical condition of this applicant, and stated that the prison had no facilities for treating the applicant, and he recommended that such a sick man should be treated in the hospital and convalesce in his home.

The trial judge, the Honorable Henry G. Sweney, stated on July 12, 1957, in a letter to the Board, that he withdrew any previous opposition to a reduction of the minimum sentence in view of the serious physical condition of the applicant. Likewise, the district attorney, Raymond R. Start, Esquire, advised the Board that he agreed with Judge Sweney and withdrew any opposition he may have had previously to commutation.

The Board believes that the serious condition of this man's health is of such a nature that further confinement would do irreparable injury and may cause his death. The Board, therefore, recommends that his minimum sentence be commuted so that he may be released from prison.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
NOT SITTING
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Robert Higgins, 8135-B, No. A-1085, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Robert Higgins, convicted of bank robbery, robbery and armed robbery in the Court of Oyer and Terminer of Allegheny County on October 2, 1939, computed from July 27, 1939 be commuted from 80 years to 18 years, 4 months 20 days expiring on December 17, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to

the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until July 27, 2019.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Houser, 9860-C, No. A-208, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of William Houser, convicted of murder, in the second degree in the Court of Oyer and Terminer of Westmoreland County on November 30, 1943, computed from June 15, 1943 be commuted from 20 years to 14 years 6 months expiring on December 15, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until June 15, 1963.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Pardons recommends his for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Philip Ianuzzi, No. A-1639, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommend that Philip Ianuzzi, convicted of rape in the Court of Oyer and Terminer of Montgomery County, on February 29, 1952 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is thirty-one years of age. Briefly, the facts are that the applicant, and a friend, met two girls and took them for a drive in their automobile. After one of the girls left the group, the applicant and his friend stopped in a secluded spot along the highway and the girl alleged she was forcibly attached. The two young men took the girl home, arriving there about four o'clock in the afternoon. The next day the applicant was arrested on the rape charge. The victim at the time was under the care of the Philadelphia County Juvenile Court.

The trial judge, the Honorable Harold G. Knight, wrote the Board that he had no objection to the granting of a pardon. The district attorney's office was represented at the hearing and stated to the Board that he would rely upon their best judgment.

The Board of Pardons commuted the minimum sentence of this applicant in September 1952 and he was released on parole on December 9, 1952. His maximum sentence expired on February 28, 1954.

The applicant resides with his father and mother in a comfortable home in the Germantown area of Philadelphia. The applicant is self-employed as a stone mason and is also attending the Dobbins Vocational High School, taking a course in heating. All reports state that he is well thought of in the community and is regarded as a law-abiding citizen.

The applicant is desirous of obtaining employment with the City of Philadelphia, under civil service, and a pardon is needed to obtain this appointment. The Board believes that the applicant should not be hindered in his advancement and the Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Oscar Jackson, D-2158, No. 9965, June Session, 1957 (Recommended September 1957 Session).

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Oscar Jackson, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on April 22, 1937 be commuted from life imprisonment to 20 years 8 months 20 days expiring on January 12, 1958.

Our reasons for making this recommendation are as follows:

This applicant is fifty-one years of age. He was sentenced to life imprisonment for Murder in the First Degree.

The facts of the crime are that the applicant drove to a lonely spot in Philadelphia, accompanied by the victim and his son. For some reason or other the applicant pulled a gun from under his arm and shot the victim and dumped his body along the road. The applicant plead guilty.

One of the trial judges is deceased, but the President Judge, the Honorable Raymond MacNeille, wrote the

Board that he would rely upon their decision, which will be determined by the applicant's conduct since imprisonment. He further states: "I shall be satisfied with whatever action your Board takes."

The district attorney's office made an investigation of this case and wrote the Board that he was opposed to granting of a commutation. The conduct of the applicant at the penitentiary has been excellent and he is holding a position of trust within the penitentiary as janitor at the front gate.

The applicant has spent over twenty years of a life since he will be under parole supervision, he can be safely released to society. The applicant had no prior criminal record and since this was a crime of passion, the Board believes he will not again offend against the laws of society. The Board, therefore recommends his sentence be commuted.

Respectfully submitted,

NOT SITTING

Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Jones, 7345-D, No. 9424, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of James Jones, convicted of robbery by hold-up at point of gun; viol. of UFC.; larceny of auto, etc. in the Court of Oyer and Terminer of Philadelphia County on February 28, 1946, computed from February 4, 1946 be commuted from 20 years to 11 years, 10 months, 10 days, expiring on December 14, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until February 4, 1966.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Sydney Kaiser, 7003-A, No. 8610, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Sydney Kaiser, convicted of assault and battery; aggravated assault and battery w/i to ravish; att. rape; rape; assault and solicitation to commit sodomy; att. to commit sodomy; sodomy in the Court of Oyer and Terminer of Blair County on June 10, 1941, computed from May 27, 1941 be commuted from 20 years to 16 years, 6 months, 10 days, expiring on December 7, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until May 27, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Kelley, 5671-D, No. A-4150, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of John Kelley, convicted of breaking and escaping prison in the Court of Quarter Sessions of Centre County on November 24, 1941 computed from January 2, 1948 be commuted from 15 years to 9 years, 11 months, 10 days, expiring on December 12, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until January 2, 1963.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT, /
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Vincent Latino, E-4391, No. A-3192, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William V. Latino, convicted of burglary, larceny, receiving stolen goods, unlawful possession of burglary tools, conspiracy, carrying Firearms Without a License, in the Court of Oyer and Terminer of Bucks County on March 10, 1954, computed from February 8, 1954, be commuted from 4½ years to 3 years, 11 months, expiring on January 8, 1958, and further recommend that the minimum sentence of William V. Latino, convicted of burglary, larceny and receiving in the Court of Oyer and Terminer of Lehigh County on October 4, 1954 be commuted from 4 years to 3 years, 3 months, 10 days, expiring on January 14, 1958.

Our reasons for making this recommendation are as follows:

This applicant is thirty-one years of age. He, together with four or five accomplices, burglarized business places in two counties, Bucks and Lehigh. He plead guilty to these offenses. The loot amounted to \$11,500.

All the accomplices, except one, have been released from the penitentiary as they received lesser sentences.

The trial judge of Bucks County, the Honorable Edward G. Biester, wrote the Board that he was content to rely upon the judgment of the Board, and the trial judge of Lehigh County left the matter to the discretion of the Board. The district attorney of Bucks County relies on the Board's judgment but the district attorney of Lehigh County was opposed.

The penitentiary staff reports he has an excellent record and is a clerk in the office. He has shown dependability and responsibility and has been persistent in his attempts at self-correction and has profited from religious guidance. The staff feels that sufficient change has taken place to warrant consideration of the applicant's plea. The Board, taking into consideration that this was the applicant's first offense, and believing that he will live up to the values he has now set for himself, feels that he should be granted clemency. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Robert Ludwig, No. A-4202, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that William Robert Ludwig, convicted of larceny in the Court of Quarter Sessions of Allegheny County, on October 15, 1951 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant was placed on five year's probation for the crime of larceny in October 1951 in Allegheny County.

The applicant, with accomplices, was sentenced for the theft of gasoline from his employer. At the time of this stealing the applicant was an employe of the Capitol Airlines in Pittsburgh and was taking gasoline, along with the other defendants, for use in his private automobile. His probation was terminated by court order in March of 1953.

The applicant has been employed by the Aluminum Company of America for the past four years, as Supervisor of Maintenance, and has the very substantial responsibility of the mechanical condition of four airplanes, owned and operated by the company. The Vice-President of the company wrote the Board that the applicant's dependability, industriousness and attitude has been satisfactory.

The trial judge, the Honorable J. Frank Graff, wrote the Board that he had no objection to any action the Board saw fit to take. The district attorney of Allegheny County had no opposition.

The Board is in receipt of a letter from the Capital Airlines, Robert J. Wilson, Vice President, stating that the company has no objection to the request for a pardon as it was understood he had been in no further trouble and has been a good citizen.

The applicant is married and has four children, and earns a substantial salary. Since he has so completely rehabilitated himself the Board recommends a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Edward Anthony Mack, Jr., E-1761, No. A-3070, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Edward Anthony Mack, convicted of armed robbery, burglary and larceny in the Court of Oyer and Terminer and Quarter Sessions of Schuylkill County on June 26, 1950, computed from May 20, 1950 be commuted from 30 years to 7 years, 7 months, 13 days, expiring on January 3, 1958.

Our reasons for making this recommendation are as follows:

This applicant is thirty-nine years of age. He was involved with two accomplices in numerous burglaries of public places, clubs and hotels throughout the county. He

was also involved in a hold-up of an automobile in which two girls were riding. The girls were attacked. He was indicted for the several offenses and received a sentence of thirty to sixty years. He plead guilty to all offenses, twenty-six in all, but was sentenced on only six of them.

The trial judge, the Honorable Cyrus M. Palmer, wrote the Board that he was strongly in favor of commutation, and stated: "When I reflect, I think my sentence was outrageous." The district attorney advised the parole investigator that he was willing to recommend commutation of the minimum sentence of this applicant.

The accomplices received lighter sentences and are now about to be released at the expiration of their minimum.

The penitentiary staff reports that his incarceration has seemed to mature him and he seems well motivated to change his ways if released. It is believed that further time in prison does not appear likely to benefit the applicant.

The Board is of the opinion that this applicant, who will be under close supervision of the Board of Parole during the years of adjustment, will not again offend against the laws of society, and the Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

in re application of Frank Malizio, No. A-3612, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Frank Malizio, convicted of fornication and bastardy in the Court of Quarter Sessions of Allegheny County, on April 5, 1950 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant, who is twenty-eight years of age, plead guilty to the offense of fornication and bastardy and the Quarter Sessions Court of Allegheny County suspended sentence.

It appears that the applicant was accused of being the father of a child, born of an unmarried woman. He was given the suspended sentence upon payment of costs of the trial and making a settlement of One Thousand Dollars with the mother of the child. The probation officer of Allegheny County states that the applicant paid the costs and has made the One Thousand Dollars settlement.

The trial judge is deceased, and the President Judge, the Honorable William H. McNaugher, stated that he had no information on the case. The district attorney's representative stated to the Board that he was not opposed to the granting of the pardon.

The applicant is an elected constable from Allegheny County and has been considered for appointment to the Allegheny County Detective Bureau. However, his record must be clear in order to receive such an appointment.

The Board is in receipt of a petition signed by a large number of persons attesting to the good conduct of the applicant.

The Board believes that this applicant has proved to himself and his friends that he has been rehabilitated and will no longer offend against the laws of society. The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John E. Mallory, E-8994, No. A-4157, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John E. Mallory, convicted of receiving stolen goods in the Court of Quarter Sessions of Philadelphia County on October 29, 1956, computed from July 17, 1956 be commuted from 18 months to 15 months expiring on October 17, 1957.

Our reasons for making this recommendation are as follows:

The applicant was arrested for receiving stolen goods in the value of over Four Hundred Dollars. The stolen goods consisted of a lady's suit and fur piece, with the tags still in them and they were identified as coming from a store, although the applicant claims he purchased them from an unknown person on the highway, and did not realize they were stolen. He plead not guilty to the offense.

The trial judge, the Honorable James C. Crumlish, wrote the Board that he thought the application was premature, and the district attorney wrote the Board, and stated at the open hearing, that he was opposed.

This applicant has served well over one-half of his minimum sentence, and the Board is informed by the prison authorities that his conduct and work performance have been good for his entire period of incarceration. He appears to possess average intelligence and makes a good appearance.

The Board, taking into consideration the fact that this applicant had no prior sentence, the fact that he has served well over one-half his minimum sentence, and the further fact that he will be under the supervision of the Board of Parole, recommends that his sentence be commuted when he has served 15 months of his minimum sentence.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Clark Maurice Marks, E-6123, No. A-4190, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due

public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Clark Maurice Marks, convicted of arson in the Court of Oyer and Terminer and Quarter Sessions of Union County on January 9, 1956 be commuted from 3 years to 2 years expiring on January 9, 1958.

Our reasons for making this recommendation are as follows:

This applicant is twenty-four years of age. The applicant set fire to four barns belonging to various persons in Union County. He had a mania for running to fires. He would set these barns afire so that he could join the company in a race to the fire and extinguish the same. These fires caused considerable loss to the owners. Prior to the commission of these offenses he bore a good reputation in the community and was well liked.

A psychiatric examination was conducted and the results revealed that there was no evidence of psychotic or delusional ideation. He appeared to be of normal intelligence, suffering from psychoneurosis, anxiety state, severe. He seemed to have pyromaniac tendencies, arising from emotional disturbance rather than from mental.

The trial judge, the Honorable William L. Showers, stated that he had no objection to the release of the applicant. The district attorney advised the parole investigator that he would not oppose commutation, as he felt further imprisonment can serve no further useful purpose.

The Board received letters from the persons who were damaged by reason of the fires, to wit: John W. Fisher and Troy L. White, stating they were not opposed to a commutation of sentence.

Since the applicant has served almost two-thirds of his minimum sentence and since the Board believes that he will conduct himself in a law-abiding manner in the future, the Board recommends commutation of his minimum sentence.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William J. Matthews, 5972-A, No. A-4196, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of William J. Matthews, convicted of burglary and attempted burglary in the Court of Oyer and Terminer and Quarter Sessions of Dauphin County on May 29, 1940, computed from May 27, 1940 be commuted from 20 years to 17 years, 6 months, 20 days, expiring on December 17, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until May 27, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term

of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of George C. Mellors, 117-D, No. 8004, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of George C. Mellors, convicted of murder in the second degree in the Court of Quarter Sessions of Westmoreland County on November 30, 1943, computed from June 7, 1943 be commuted from 20 years to 14 years, 6 months, 10 days, expiring on December 17, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until June 7, 1963.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Herman C. Meyer, 3100-B, No. A-232, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Herman C. Meyer, convicted of sodomy and solicitation to commit sodomy in the Court of Quarter Sessions of Crawford County on August 3, 1948, computed from July 23, 1948 be commuted from 10 years to 9 years 4 months 20 days expiring on December 13, 1957.

Our reasons for making this recommendation are as follows:

The Board of parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until July 23, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Morris Milarsky, 3753-C, No. A-196, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Morris Milarsky, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on August 4, 1947, computed from January 24, 1946 be commuted from 25 years to 11 years, 10 months, 20 days, expiring December 14, 1957.

Our reasons for making this recommendation are as follows:

The Board of parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until January 27, 1971.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Norman W. Moon, No. A-4266, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: Norman Wilfred Moon was born November 3, 1925, near Connellsville, Pennsylvania. In 1949 he married Janet Schwab whom he had known about two weeks. The marriage was unsuccessful and resulted in litigation between Moon and his wife, first in Fayette County and later, on the wife's petition for support, in Warren County.

On July 24, 1952, Janet Moon complained that Moon not only had assaulted her but had threatened her life. In the concluding prayer of her petition she also charged desertion and non-support. Moon was held by an Alderman to answer before the Court of Quarter Sessions of Fayette County on charges of "assault and battery, surety of the peace, desertion and non-support." Nothing further was done in Fayette County.

Thereafter, the wife moved to Warren County and there, on September 8, 1952, filed a complaint charging Moon with desertion and non-support. After several hearings before the Honorable Allison D. Wade, President Judge, Moon was ordered to pay the sum of \$30 per week for the support of his wife. He never paid anything under this order.

Moon had insisted on representing himself, refusing Judge Wade's advice to retain counsel. He even spent twenty days in jail during which he contacted the lawyer who ultimately agreed to represent him. He then offered \$500 in settlement, which was refused. On advice of his counsel he increased his offer to \$1,500, but his wife's attorney refused that. Moon's position was that his wife had been unfaithful and that there was no jurisdiction in Warren County because the matter was in process in Fayette County.

On July 31, 1953, Moon presented a petition to Judge Wade asking dismissal of the complaint on the ground that the prior prosecution in Fayette County was still pending and that, therefore, the Warren County Court was without jurisdiction. Judge Wade dismissed this petition and the Superior Court affirmed. Commonwealth v. Moon, 174 Pa. Super. 334. He did not then or has he ever contended that the order of \$30 per week was excessive. He even refused to file a petition to have it reduced.

Subsequent attempts by counsel to effect a compromise were of no avail, and finally a hearing to inquire into Moon's failure to pay the \$30 a week was fixed before Judge Wade for January 13, 1954. The day before the hearing Moon purchased a .45 caliber automatic pistol in Pittsburgh and brought it, together with a cashier's check in the sum of \$1,500, to Warren. He admitted later that he had entertained the thought, during that day and evening, of killing both Judge Wade and counsel for his wife. Convinced that settlement was impossible, he mailed the check to himself at his home.

On the morning of January 13 he entered the courtroom. When he was called to the bar of the court, he was informed that his counsel had notified the court that he would be unable to be present until 2 o'clock in the afternoon. Moon, nevertheless, declared that he was "absolutely" prepared to proceed without counsel. When asked whether he intended to abide by the order he answered "absolutely not." Before the hearing began, Moon drew his pistol and started shooting. All present sought refuge. He went to the dais where Judge Wade lay on the floor. The Judge said, "Don't shoot. Please, don't shoot. I won't sentence you." Moon answered, "You goddam—son of a bitch, you will never get the chance to," and fired point blank at the judge. Judge Wade died almost instantly.

After the killing Moon fled the court house, got into his automobile and drove away, but was pursued by members of the State Police. Sergeant Naddeo displayed his gun to Moon, commanding him to halt, but Moon refused to do so. The police succeeded in stopping him only when they hit his tires at least eight times with bullets, flattening one of them. When they approached him with pistols drawn, they saw him bring his pistol to the right side of his throat. He ignored their command "not to do it" and to "drop that gun" and shot himself in the throat. He was taken to the hospital in an ambulance. It was discovered that the bullet entered

on the right side, approximately one inch under the point of the jaw, and emerged on the left side in front of the left ear at the temple. A search of the car revealed a copy of the Superior Court opinion which had ruled against him and in favor of his wife. Moon was taken to the Warren General Hospital, where he was treated until his transfer to the Warren County Jail.

After his arrest he was questioned by the police. He was asked by Borough policeman Zerbe when had he first decided to shoot Judge Wade. Moon answered that he had planned it the day before, saying, "That son-of-a-bitch—I had no business being in his court." Zerbe testified that in his many talks with Moon while he was guarding him, Moon had never shown any remorse or sorrow for his act.

The District Attorney, who witnessed the fatal shooting, felt it would be inappropriate for him to prosecute the case. He petitioned the court to request the Attorney General to appoint special prosecutors. Two were appointed and they conducted the subsequent proceedings.

On March 3, 1954, the Grand Jury indicted Moon for Murder. Trial commenced on May 10, 1954, before the Honorable Alexander C. Flick and a jury. It lasted two weeks and one day with some night sessions.

At the trial the Commonwealth's evidence as stated above was not controverted. The only defense presented on behalf of Moon was that by virtue of mental disease he was unable, at the time he shot Judge Wade, to comprehend the difference between right and wrong. Under the law of Pennsylvania, one who has unlawfully killed another person may not be acquitted of criminal responsibility even though "insane" unless his "insanity" prevented him, at the time of his act, from knowing the nature and quality of the act or that it was wrong. Two psychiatrists testified, one for the Commonwealth and one for the defendant. Their testimony conflicted on the issue of whether Moon could distinguish right from wrong at the time of the killing. This issue was carefully presented by the trial judge to the jury which found Moon guilty and fixed the punishment at death.

Thereafter, on July 31, 1954, as the result of Moon's conduct in the Warren County Jail, the County Sheriff petitioned the court for the appointment of a Sanity Commission on the ground that he believed Moon was mentally ill within the meaning of Section 344 of the Mental Health Act of June 12, 1951, P. L. 533, as amended, 50 P. S. §1224. The term "mental illness" is defined by that Act as follows:

50 P. S. §1072.

"Mental illness" shall mean an illness which so lessens the capacity of a person to use his customary self-control, judgment and discretion in the conduct of his affairs and social relations as to make it necessary or advisable for him to be under care. The term shall include 'insanity', 'unsoundness of mind', 'lunacy', 'mental disease', 'mental disorder', and all other types of mental cases, but the term shall not include 'mental deficiency', 'epilepsy', 'inebriety', or 'senility', unless mental illness is superimposed."

Under Section 345 of the Act of 1951, 50 P. S. §1225, upon the presentation of such petition the court may order an examination by two qualified physicians or a sanity commission. If the court is satisfied that the person sought to be committed is mentally ill, as defined above, it must order his commitment to either a mental hospital or a State Hospital for patients charged with or convicted of crime or with criminal tendencies. This section applies to persons imprisoned under sentence of death.

The Court granted the Sheriff's petition and appointed two distinguished physicians, Dr. Robert Israel, Superintendent of the Warren State Hospital, and Dr. William Walters and an attorney, R. Pierson Eaton. Judge Flick later spoke of their work as follows:

"In its Opinion of October 21, 1954 the Court carefully noted the thoroughness with which the members of the Commission conducted their examination of the defendant, as follows:

"The report of the Sanity Commission, and the record of the testimony taken before it, including statements made by defendant's counsel and statements made by

the members of the Commission, shows that, as a basis for arriving at their conclusion as to the defendant's condition, the members of the Commission examined the defendant (Sanity Commission record page 50, etc.) Dr. Israel, Superintendent of the Warren State Hospital and a member of the Commission, examined the defendant on five occasions for periods lasting from a half hour to several hours (Sanity Commission Record page 94). Dr. Walters, a member of the Commission, has attended the defendant as a medical man from the time he was admitted to the Warren General Hospital on the day of the killing, and also, as the jail physician, saw him weekly for about a month after his transfer to the jail and thereafter at intervals of from one to three weeks (Sanity Commission record page 46). The members of the Sanity Commission also questioned Donnell Allen, Warden of the Warren County Jail (Sanity Commission Record page 4), and all of the guards who were in charge of the defendant while he was confined in the jail, to-wit: Joseph Sullivan (Sanity Commission Record page 21), Robert L. Anderson (Sanity Commission Record page 26), A. M. McDannel (Sanity Commission Record page 31), and Rayburn Haynes (Sanity Commission Record page 39). The Sanity Commission also questioned, and took the statement of Dr. Russel J. Meadows (Sanity Commission Record page 84), Senior Physician of the Warren State Hospital, taking psychiatric training, who saw the defendant daily for the first week after his commitment to the State Hospital on July 31, 1954, and after a two week interval saw him about every three or five days until September 11, 1954 (Sanity Commission Record page 84). The Commission also questioned and took the statement of Eugene A. Cease (Sanity Commission Record page 77), Senior Psychologist at the Warren State Hospital who examined the defendant on August 4, 1954. The Commission also heard statements by two of the defendant's counsel, to-wit: Samuel D. Braemer (Sanity Commission Record pages 72 and 81), and Thomas A. Waggoner, Jr., (Sanity Commission Record page 75). Each member of the Commission made a statement which appears in the record along with the testimony of the witnesses who testified before the Commission, Dr. Israel (Sanity Commission Record page 94), Dr. William Walters (Sanity Commission Record page 46), and Attorney R. Pierson Eaton (Sanity Commission Record page 97)."

On October 13, 1954, the Commission filed with the Court its report in which it found the following ultimate facts: (a) Norman W. Moon is in fact mentally ill. (b) Norman W. Moon's mental illness is that of dementia praecox of the paranoid type. (c) This illness is chronic and continuing. (d) Norman W. Moon is a proper subject for commitment to a mental hospital.

The findings also contained answers to three specific questions submitted by the Court on October 8, 1954, as follows:

"(1) Regardless of what Moon's ideas or his feelings may be as to his own acts or behavior and although he may have a mental abnormality or illness, has he sufficient intelligence or mental ability to comprehend that by generally accepted standards an unjustifiable and inexcusable killing is considered to be wrong and a crime?

Answer. Yes, except during the two periods of acute mental disturbance¹ that he has exhibited.

(2) Regardless of what Moon's ideas or his feelings may be as to his own acts or behavior and although he may have a mental abnormality or illness, has he sufficient intelligence or mental ability to comprehend that he has been tried by a jury which found him legally responsible for such a killing and guilty of murder in the first degree, and the jury also set death as the penalty which it felt was the proper one in his case?

Answer. Yes, except during the two periods of acute mental disturbance that he has exhibited.

¹ The two periods of acute mental disturbance referred to in these three answers occurred, according to the Commission's report, "... the first time in the jail at the time of his commitment and the second time while in the hospital after the Commission first met." As to this the Commission further found that "on both occasions his disturbance promptly subsided."

(3) Regardless of what Moon's ideas or his feelings may be as to his own acts or behaviour and although he may have a mental abnormality or illness, has he sufficiently intelligence or mental ability to comprehend that if the penalty set by the jury is carried out and he is sent to the electric chair, it will be in punishment for the crime of which the jury found him guilty?

Answer. Yes, except during the two periods of acute mental disturbance that he has exhibited."

The Commission did not make an explicit finding on the issue of mental illness as defined above, viz., whether Moon's capacity to use his customary self-control, judgment, and discretion in the conduct of his affairs and social relations was so lessened as to make it necessary or advisable for him to be under care although they implicitly did so when they found that he was chronically mentally ill and "is a proper subject for commitment to a mental hospital."

When he received the report of the Commission, Judge Flick had the power either to accept its recommendation or change it, based on his independent review of the report and all the evidence in the case. Under the Supreme Court's decision in *Commonwealth v. Patskin*, 375 Pa. 368, a judge is not bound to follow the report of the Sanity Commission but may reject it, provided he does not do so capriciously or arbitrarily.

It had been the common law of Pennsylvania prior to the Mental Health Act of 1951 that one convicted of a crime could not be sentenced or executed if it were found that he was insane in the sense that he could not either understand the nature and object of the punishment or confer with his counsel concerning it.

The Commonwealth took the position that this common law test was not changed by the Mental Health Act of 1951 and that, in any event, Judge Flick was not bound to follow the Sanity Commission's report. Judge Flick agreed with both these propositions of law and on October 21, 1954, filed an opinion in which he found Moon to be legally sane. On appeal, the Supreme Court of Pennsylvania held that although Judge Flick was right in the conclusion that he was not bound to follow the report of the Commission (provided that he did not reject it capriciously or arbitrarily), he was wrong in holding that the old common law test of liability to punishment was still in effect. The Supreme Court held that no man in Pennsylvania could be executed if he was mentally ill within the meaning of the Mental Health Act of 1951 but that it was for the judge to decide, in any given case, whether the person fell into that category. Judge Flick's order was therefore reversed, *Commonwealth v. Moon*, 383 Pa. 18, and the matter was referred back to him for further decision on Moon's mental illness.

The Supreme Court also pointed out that technically the Commission had not answered one important question under the Mental Health Act of 1951, viz., whether the defendant's mental illness was such as to make it necessary or desirable that he be under care. Judge Flick held a hearing on December 12, 1955. No new examination was conducted by the Sanity Commission. The Court heard the testimony of seven employees of the Western State Penitentiary, to which defendant had been removed in April, 1955, viz., the Warden, the prison doctor, the three guards who had been continuously in charge of the defendant in eight hour shifts, a guard who supervised visits from members of the defendant's family and the guard who read all letters in his capacity as mail censor. Moon's counsel offered no further evidence. The Court itself questioned each of these witnesses to find out whether, in his opinion, as the result of observation, there was any indication that Moon's capacity for self-control, judgment or discretion had been lessened. Each witness replied in the negative. At the conclusion of the hearing Judge Flick reaffirmed his former ruling that Moon was not mentally ill in accordance with the requirements of the Mental Health Act of 1951 and again ordered the proceedings continued. Judge Flick was careful to point out that:

"In its report the Sanity Commission found the defendant to be mentally ill and a proper subject for commitment to a mental hospital but the Commission did

not find that the defendant's mental illness so lessened his capacity to use his customary self-control, judgment and discretion as to render it necessary or advisable for him to be under care. From the record in this case it is obvious that no such finding was made because the symptoms on which the diagnosis was based did not indicate any such lessening in defendant's capacity to use his customary self-control, judgment or discretion."

The Court further held that, even assuming that the Sanity Commission had made an explicit finding that the defendant's condition had so lessened, this would be at most a medical conclusion not supported by the evidence. The Court therefore held that its rejection of that conclusion was strictly in accordance with law and neither arbitrary nor capricious. Thereafter, exceptions to these findings were made which the Court, in due time, again carefully considered and overruled.

Moon's counsel again appealed to the Supreme Court. The Supreme Court was not faced with the problem of deciding for itself whether Moon was mentally ill within the Mental Health Act. It was concerned only with the question of whether the lower court had abused its discretion. The Supreme Court made no independent finding but held, in accordance with its previous opinion, that the decision on Moon's conviction, as far as applicable to the purely judicial proceedings, was for the lower court and that that court had not been guilty of caprice or an abuse of discretion. *Commonwealth v. Moon*, 386 Pa. 205.

Further argument on issues unrelated to this proceeding was then had before the lower court, after which the court imposed the sentence of death. The Supreme Court affirmed the judgment of sentence. *Commonwealth v. Moon*, 389 Pa. 304.

Thereafter, a petition was filed with this Board asking us to recommend to the Governor that the Sentence of death be commuted to a sentence of life imprisonment. While the matter was pending before us, a petition for habeas corpus was filed before the District Court of the United States for the Western District of Pennsylvania against the Warden of the Western Penitentiary. The Attorney General opposed this petition on the ground that the federal court lacked jurisdiction since "state remedies" had not been exhausted. Such remedies include a petition for review by the Supreme Court of the United States, and no such review had been sought. The District Court denied the application for a writ of habeas corpus.

The matter is now before us on the application for commutation; and we must recommend, in accordance with Article IV, Section 9, of the Pennsylvania Constitution, such action by Your Excellency as in our judgment is meet and proper.

After public advertisement we have held a public hearing at which the respective contention of Moon and the Commonwealth were fully presented. We are not considering a case where guilt is denied. It is freely and fully admitted that Moon is not only guilty of murder but that he is guilty of murder in the first degree. Clemency is sought on the ground that under well recognized principles of law and of natural justice it would be wrong, in view of his mental condition, to carry out the sentence of death. In making this contention Moon's counsel is not insisting that he was insane to such a degree as to require his acquittal; he does say that his mental illness is such as to require his not being executed but rather that he be confined in jail or in a mental institution.

Judge Wade was cruelly and foully murdered, and the courts have found that the man who did it was responsible for his act. It is difficult to conceive of a more revolting spectacle than the killing of a judge in the performance of his duty, not because his life is intrinsically more valuable than that of any other person, but because it is taken from him while acting as a minister of justice. As long as the law of the Commonwealth provides for the sentence of death for such a killer after a trial found to be free of error, weighty indeed must be the reasons which would move the executive arm of the government to extend clemency.

After a careful review of all the circumstances and evidence in the case, the members of this Board were troubled by the fact that this man, with no previous convictions of crime, whose identity was known, who could not possibly hope to escape, whose case was about to be heard, would come into a courtroom, armed not only with a fully loaded automatic .45 caliber pistol but an extra loaded clip in his pocket, do what he did and thereafter exhibit no remorse. We were perplexed also by his completely unreal and unjustified resentment on a purely legal ground to the jurisdiction of the Warren County Court although he had no objection to the merits of the decision. These factors could be evidence of a criminal mind, but they could also evidence a deep-seated mental illness. We were troubled also by the fact that the all-pervading question proposed by the definition of mental illness by the Mental Health Act of 1951 had never been specifically answered. It is true that the trial judge stated that, even had it been so specifically answered by the Sanitary Commission, his opinion would have been the same since he did not agree with the Commission as to the proper interpretation of the evidence upon which such conclusion would be based. This obviously is not the same thing as being faced with a specific finding on that point. The Commission had found that in two instances his mental illness had been so acute that he had been unable either to distinguish right from wrong or to appreciate the fate awaiting him. Therefore, after much discussion, we determined to seek expert advice on the subject. It may very well be true that the doctors do not have all the answers to the problems posed in the field of psychiatry. Nevertheless, it is our firm conviction that if and when those answers are found, it will be the doctors and not laymen such as judges, lawyers, policemen, jailors or members of the Boards of Pardons who will find them. We decided to ask three eminent psychiatrists from the City of Pittsburgh to review the entire case and to make a report to us.

We chose men who had had no previous connection whatever with the case, and they were chosen without prior consultation either with representatives of the Commonwealth or with defense counsel. They are Henry W. Brosin, M.D.,² James M. Henninger, M.D.,³ and Robert J. Hudson, M.D.⁴

We referred the matter to them by letter dated October 7, 1957, a copy of which is attached hereto. We requested their professional opinions on the following four questions:

- A. Is Norman W. Moon mentally ill?
- B. If he is mentally ill, how would you describe that illness?
- C. If he is mentally ill, has that illness so lessened his capacity to use his customary self-control, judgment and discretion as to render it necessary or advisable for him to be under care?
- D. If he is mentally ill, is he so mentally ill, that it

is advisable, for his welfare or the protection of the community, that he be committed to other than a penal or correctional institution?

These questions were framed in accordance with the specific holding of the Supreme Court of Pennsylvania filed in this case. We are not unmindful that the subsequent Act of May 31, 1956, P. L. 1897, has changed the Mental Health Act of 1951. The Act of 1956 reinstituted the common law test of insanity which the Supreme Court had rejected in interpreting the Act of 1951. It is sufficient to say that the questions propounded by us are those which were considered to be controlling throughout the course of this litigation; and their adoption by us as a standard to be applied in this case is in accordance with our constitutional authority under Article IV, Section 9, under which executive clemency is not restricted by legislative definition. It also makes it unnecessary for us to consider whether the application of the different standard supplied by the Act of 1956 would, as to Moon, be a valid interpretation of the Act. We regard it as eminently fair that we adopt in our consideration of this case the same standard of judgment applied by the courts.

But the present proceeding is entirely different from the judicial proceedings in that

(1) The question before us—whether to recommend clemency—was not before the courts or the jury;

(2) The evidence before us—especially the psychiatric evidence—was not previously considered; and

(3) The power we are asked to exercise is not within the powers of a court or jury.

We are not faced with the same question that confronted the Supreme Court. In other words we are not deciding whether we believe that the lower court abused its discretion. We are not even faced with the precise question confronting the lower court. The lower court dealt with a purely judicial decision unaffected by the additional elements of clemency, age, previous conduct and all the other components which affect the application of executive clemency. The Supreme Court has held that neither it nor the lower court has the power to change the death penalty to life imprisonment when such penalty is fixed by a jury. Under our Constitution and laws this power is exclusively committed to the Governor upon recommendation by this Board. Furthermore, the lower court did not have before it, as we now have, the report of the psychiatrists appointed by us. The jury did not even have the report of the Sanitary Commission. The lower court could at most have committed Moon to a mental hospital for his natural life or until he recovered. If he did recover, he would be subject to execution and could then file a petition for executive clemency, thus making necessary action by this or some future Board of Pardons.

It is obvious, therefore, that we must meet this problem now. We are not at all sure that the recommendation we propose to make is a merciful one. Moon, indeed, might welcome death in the electric chair. The psychiatrists appointed by us have carefully reviewed, as their report shows, all the evidence in the case and have thoroughly examined Moon. They have come to unanimous conclusion thereon. Their view represents no more sentimentality but the considered judgment of men who have devoted their lives to the acquisition of knowledge relating to the central issue of this inquiry. They are unanimously of the opinion that Norman Moon is mentally ill, that he is not only mentally ill from a medical viewpoint but that he is mentally ill in accordance with the standards set up by the Legislature and followed by the courts in this case. The primary facts on which they rely are stated by them in their report, a copy of which is attached hereto; and it is worthy of note that they agree entirely with the independent findings of Dr. Robert Israel and Dr. William Walters who were appointed to the Sanitary Commission by the trial judge. We agree with them.

Our duty, in consideration of the whole case, is clear and inescapable. Although the Executive, under our Constitution, may act in derogation of strict forms of law, we believe that in this case our recommendation is in strict accord with the civilized administration of criminal justice. We therefore recommend, in accordance with

² University of Wisconsin, M.D. 1933; Commonwealth Fund Fellow in Psychiatry, University of Colorado Medical School, Denver, 1934-1937; Rockefeller Fellow in Psychoanalysis, Institute of Psychoanalysis, Chicago, 1937-1940; Assistant Professor, University of Chicago Medical School, 1937; U.S. Army, January, 1941-April, 1946, Colonel; Professor and Chairman of the University of Chicago Medical School, Department of Psychiatry, 1946-December, 1950; Full Professor and Chairman of the Department of the University of Pittsburgh Medical School, January, 1951; Director of the Western Psychiatric Institute and Clinics, University of Pittsburgh; Board of Governors of the American Board of Psychiatry and Neurology, 1953-

³ Pittsburgh Medical School, M.D. 1933; St. Francis Hospital; Torrance State Hospital; Allegheny Hospital, Woodville; Director of the Behavior Clinic of Allegheny County Criminal Courts, 1937-1942; Military service, 1942-1946, present rank Captain USNR. Retired; Private practice in Psychiatry; Presently on the staff of St. Francis, West Penn. Presbyterian and Woman's Hospital; Consultant to the Veterans Administration in Psychiatry at Leech Farm and University Drive Hospitals; Professor of Psychiatry, University of Pittsburgh; Certified by the American Board of Psychiatry; Past President of the Pennsylvania Psychiatric Society.

⁴ Jefferson Medical College, Philadelphia, Pa., M.D. 1940; Resident in Psychiatry, St. Francis Hospital, Pittsburgh, Pa.; Resident in Neurology, St. Francis Hospital, Pittsburgh, Pa.; New York Neurological Institute, New York; Fellow Neurologist, College of Physicians and Surgeons, New York; American Board, Diplomate in Psychiatry; St. Francis General Hospital, Shady Side Hospital, Pittsburgh Hospital, Pittsburgh, Pa.

Article IV, Section 9 of the Constitution that Your Excellency, as Governor of the Commonwealth, commute the sentence of Norman W. Moon from death to life imprisonment.

We further recommend that for the protection of the community steps be taken to remove Moon from the prison population by application to the court having jurisdiction that he be committed, under the Mental Health Act, to an institution such as the State Hospital at Farview, to be there dealt with in accordance with law.

Respectfully submitted,

.....
Lieutenant-Governor.
.....
Secretary of the Commonwealth.
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Attorney General.
.....
Secretary of Internal Affairs.

The above recommendation is approved:

.....
Governor.

October 7, 1957

Dr. Herman Brosen
Western Psychiatric Institute
Pittsburgh, Pa.

Dr. James M. Henninger
Jenkins Archive
Pittsburgh, Pa.

Dr. Robert J. Hudson
121 University Place
Pittsburgh, Pa.

Gentlemen:

On January 13, 1954, Norman W. Moon shot and fatally wounded the Honorable Allison D. Wade, President Judge of the Thirty-seventh Judicial District. On May 25, 1954, he was convicted of murder in the first degree and a jury fixed the penalty at death. On July 31, 1954, prior to sentence, the County Sheriff petitioned the court for the appointment of a sanity commission, under Section 344 of the Mental Health Act of June 12, 1951, P. L. 533, as amended, 50 PS §1224. The court appointed a commission composed of two physicians and an attorney to investigate Moon's mental condition.

After examining Moon and holding hearings at which testimony and statements were taken, the commission on October 13, 1954 filed its report with the court in which it found the following ultimate facts: a. Norman W. Moon is in fact mentally ill. b. Norman W. Moon's mental illness is that of dementia praecox of the paranoid type. c. This illness is chronic and continuing. d. Norman W. Moon is a proper subject for commitment to a mental hospital.

The findings also contained answers to three specific questions submitted by the court on October 8, 1954, as follows:

(1) Regardless of what Moon's ideas or his feelings may be as to his own acts or behavior and although he may have a mental abnormality or illness, has he sufficient intelligence or mental ability to comprehend that by generally accepted standards an unjustifiable and inexcusable killing is considered to be wrong and a crime?

Answer. Yes, except during the two periods of acute mental disturbance that he has exhibited.

(2) Regardless of what Moon's ideas or his feelings may be as to his own acts or behavior and although he may have a mental abnormality or illness, has he sufficient intelligence or mental ability to comprehend that he has been tried by a jury which found him legally responsible for such a killing and guilty of murder in the first degree, and the jury also set death as the penalty which it felt was the proper one in his case?

Answer. Yes, except during the two periods of acute mental disturbance that he has exhibited.

(3) Regardless of what Moon's ideas or his feelings may be as to his own facts or behavior and although he may have a mental abnormality or illness, has he sufficient intelligence or mental ability to comprehend that if the penalty set by the jury is carried out and he is sent to the electric chair, it will be in punishment for the crime of which the jury found him guilty?

Answer. Yes, except during the two periods of acute mental disturbance that he has exhibited.

On the basis of this report, and guided by the answers to questions (1) (2) and (3) rather than by the conclusions represented by a. b. c. and d., the court found Moon legally sane and ordered the proceedings to continue. Upon appeal to the Supreme Court of Pennsylvania the lower court was reversed and the matter was sent back for reconsideration. The Opinion of the Supreme Court of Pennsylvania will be found in Volume 383, Pennsylvania State Reports, commencing at page 18.

Thereafter, the lower court held a hearing on December 12, 1955, and received additional relevant evidence as to Moon's conduct between the time of his examination by the commission and the date on which the Opinion of the Supreme Court was filed, a period of approximately fifteen months. Prior to the hearing no new examination was made by the commission and no further Opinion or testimony was given by any of its members. Instead, the Warden of the Western State Penitentiary, to which the defendant had been removed in April, 1955, and also the prison doctor, the three guards who had been continuously in charge of the defendant in eight-hour shifts, a guard who supervised visits from members of the defendant's family, and the guard who read all letters written by the defendant in his capacity as mail censor, were heard. Neither Moon nor anyone on his behalf offered hearing may be found in the report of the second appeal any further testimony. The evidence produced at that to the Supreme Court in Volume 386, Pennsylvania State Reports, commencing at page 209.

At the conclusion of the hearing the lower court reaffirmed its former position on the ground that the findings of the commission were advisory and not mandatory upon the court.

Upon appeal to the Supreme Court it was held that the lower court did not abuse its discretion in reaching that conclusion. Thereafter, the lower court sentenced Moon to the electrocuted. This sentence was affirmed on appeal by the Supreme Court, 389 Pa. 304.

Recently, there was filed on Moon's behalf a petition to the Board of Pardons for a commutation of the death sentence. The Board held a public hearing on that application, and before making its decision the Board seeks the opinion of qualified psychiatrists as to Moon's mental condition.

I have communicated with each of you and you have agreed to make an examination of Moon, either separately or/and together, as you see fit. It is understood that your function will be to guide the Board of Pardons in the exercise of its function under Article IV, Section 9 of the Constitution.

The question on which we would like to have your opinion are as follows:

(a) Is Norman W. Moon mentally ill?

(b) If he is mentally ill, how would you describe that illness?

(c) If he is mentally ill, has that illness so lessened his capacity to use his customary self-control, judgment and discretion as to render it necessary or advisable for him to be under care?

(d) If he is mentally ill, is he so mentally ill that it is advisable, for his welfare or the protection of the community, that he be committed to other than a penal or correctional institution.

We shall appreciate it, therefore, if you will proceed, at your earliest convenience, to conduct such examination or inquiry as you deem necessary or advisable in the premises and send to me, for the use of the Board of Pardons, a written report in which these questions are answered, with the understanding, of course, that such report need not be limited merely to answering

these questions. I hope we may have the report about the first week of November.

I am enclosing herewith a separate letter which will accomplish your admittance to the Western State Penitentiary so that you may conduct the inquiry. I am also transmitting, by messenger, a copy of the record of the case. Please do not hesitate to call upon me for any further assistance and I will make myself available to you in Pittsburgh at a time which is mutually convenient.

In closing, I wish to assure you to the deep and abiding thanks of the Board of Pardons for accepting this task of aiding them in the discharge of the heavy burden that is theirs.

Sincerely yours,

THOMAS D. McBRIDE,
Attorney General

REPORT OF THE PSYCHIATRISTS APPOINTED BY THE HONORABLE THOMAS D. McBRIDE

Attorney General of the Commonwealth of Pennsylvania
For use by the Board of Pardons in the case of
Norman W. Moon, 17 October, 1957

17 October, 1957.

I. Appointment of Psychiatrists

In a letter dated 7 October 1957, The Honorable Thomas D. McBride, Attorney General of the Commonwealth of Pennsylvania, appointed Doctors Henry W. Brosin, James M. Hemminger, and Robert J. Hudson, all of Pittsburgh, Pennsylvania, as psychiatrists to examine the current medical status of Norman W. Moon at the Western State Penitentiary. The findings of these psychiatrists are to be used "to guide the Board of Pardons in the exercise of its function under Article IV, Section 9 of the Constitution."

The Honorable Thomas D. McBride also provided in the letter dated 7 October 1957 a brief summary of the facts in the case of Norman W. Moon and the questions on which he and the Board of Pardons would like to have the opinion of the psychiatrists. He also provided the letter of introduction to Warden Angelo Cavell and a copy of the record and supplemental record, consisting in total of three volumes, in the case of Commonwealth vs. Norman W. Moon, No. 250 January Term, 1956, and No. 243 January Term, 1957 in the Supreme Court of Pennsylvania, Eastern District. These volumes were valuable in providing the examining physicians with much important biographical and other background material, particularly Judge Flick's charge of the court to the jury, pp. 212a-323a.

II. Questions to be answered by the psychiatrists

In the letter dated 7 October 1957 on pages 3-4, The Honorable Thomas D. McBride requested opinions on the following questions:

- A. Is Norman W. Moon mentally ill?
- B. If he is mentally ill, how would you describe that illness?
- C. If he is mentally ill, has that illness so lessened his capacity to use his customary self-control, judgment and discretion as to render it necessary or advisable for him to be under care?
- D. If he is mentally ill, is he so mentally ill that it is advisable, for his welfare or the protection of the community, that he be committed to other than a penal or correctional institution?

III. The Method of Conducting the Examination

On 17 October 1957, by appointment, the three undersigned psychiatrists presented themselves to Mr. Angelo Cavell, the Warden of the Western State Penitentiary, at 2:20 P.M. Mr. Cavell was accompanied by the following members of his staff: Mr. Elliott, Major R. D. James, and Dr. James L. Baker. These gentlemen provided the psychiatrists with a report on the physical and mental status and behavior of Norman W. Moon since his admission to this prison on 19 April 1955. In view of the daily reports made by the guards to the Warden, and the direct observation of Norman W. Moon by the other staff members, the examining physicians believe they have a

reliable history of his gross, overt behavior since his admission.

Dr. James L. Baker also provided his written report dated May 10, 1956 which was forwarded to the examiners by Warden Cavell.

The examiners were told that all physical examinations by the prison physicians, Dr. Michael Gilberti and Dr. Anthony J. Staab, showed Norman W. Moon to be essentially healthy and free from any physical illness which might contribute to a diseased mental state.

The examiners were then escorted to the prison hospital by Major R. D. James where they met Norman W. Moon in a large office. They interviewed him from 2:45 P.M. until 4:30 P.M., after which they returned to Warden Cavell's office briefly to hear Dr. Baker's report. During the examination Norman W. Moon was entirely cooperative, answering questions readily and quickly. All examiners were present throughout the examination which consisted of all three psychiatrists asking questions in sequence covering the prisoner's developmental and family history; school, occupational, sexual, marital, and army history; the circumstances leading up to the shooting on January 13, 1954, and his subsequent history up to the present. The re-examiners checked and rechecked material pertinent to the four questions asked by Mr. McBride. Questions and answers verifying his past medical history and current physical and mental status were carefully appraised. Efforts were made to encourage Norman W. Moon to make spontaneous comments, criticisms and observations in order to maximize the amount of information available for consideration. The examiners conferred together following this examination and again on October 1957 and 28 October 1957, in preparation for writing this report.

IV. The date upon which this report is based

In view of the importance of the decisions to be made in this case by the Board of Pardons and the Governor, it might be worthwhile to list the data available to the undersigned examiners before answering the four questions requested by Mr. McBride.

A. Record and supplemental record, consisting in total of three volumes in the case of the Commonwealth of Pennsylvania vs. Norman W. Moon, No. 250 January Term, 1956, and No. 243 January Term, 1957, in the Supreme Court of Pennsylvania, Eastern District.

These records were very helpful, not only for historical, socioeconomic, familial, and other background material, but also gave material illustrating the behavior of Norman W. Moon under direct and cross-examination.

B. April 28, 1954—Summary of psychiatric opinion of Dr. Theodore Wollak by Judge Flick on pp. 296a, 297a, 298a. The trial began May 10, 1954 and ended May 25, 1954. The shooting took place on January 13, 1954.

C. May 7, 1954—Summary of psychiatric opinion of Dr. John Urbaitis by Judge Flick on pp. 298a, 299a, 300a.

D. October 13, 1954—Summary of the Report of a Commission (Doctors Robert Israel and William Walters) by Judge Flick and a detailed discussion by Judge Flick of the report and the questions of law involved (pp. 290a-313a). This Commission was able to study Norman W. Moon at the Western State Hospital from July 31, 1954 to October 16, 1954 (p. 304a) after the Sheriff requested an opinion. Although the examiners did not have the full report of this Commission, there is sufficient material available in the court record to enable them to use the known content together with other pertinent facts in the history. Due to the comprehensive nature and the thoroughness of this examination (77 days' observation) as reported and commended by Judge Flick, it is an impressive opinion on the medical status of Norman W. Moon at that time. (p. 304a-306a)

E. Statements made to the examiners on 17 October 1957 about the physical and mental state of Norman W. Moon since his admission to the Western State Penitentiary on 19 April 1955 by Warden Angelo Cavell, Mr. Elliott, Major R. D. James, and Dr. James L. Baker. The examiners were also told of the opinions of staff physicians, Doctors Michael Gilberti and Anthony J. Staab.

F. Dr. James L. Baker's written report dated May 10, 1956, was forwarded October 18, 1957.

G. Dr. Anthony J. Staab's testimony about Norman W. Moon may be read in Judge Flick's Opinion dated January 28, 1956, p. 273a, together with extensive testimony from the officers and employees at the Western State Penitentiary.

H. Direct personal examination of Norman W. Moon by the undersigned examiners of his past history, his past and present physical and mental state, and his current behavior.

V. Summary of a few aspects of the prisoner's developmental history not given prominence in Judge Flick's "Charge of the Court," p. 211a or elsewhere.

Norman W. Moon was born November 3, 1925, the fifth of five brothers, most of whom were much older than he (Robert is now 46, Melvin 42, Edward 40, Earl who was missing in action in World War II, Mediterranean Theatre, was about four years older). He stressed his acceptance of his mother as an authoritative figure who wielded the discipline as in many other American homes. He pictured his father as a non-disciplinary figure who talked over all cases of misbehavior with Norman, giving the impression that he expected authority figures to spend much time with him listening to his point of view. That he was able to receive such consideration to a considerable degree from his family, associates and even from the court during his support proceedings bespeaks the strength of this inner need. Associated with this is his persistent, totally unrealistic sense of abstract justice which takes on the strength of a fixed delusion in his stubborn reassertion that the support action should not have been transferred from the Court of Fayette County to the Court of Warren County. This unreasonable position was amply demonstrated in the cross-examination, particularly pages 235b and following. Given this premise, he reasons that any order to pay support is not truly legal and that it is an injustice to ask him to do so (p. 237b). He further extends this sense of injustice in his repeated attempt to state "his side of the story" in an unrealistic manner, and the frustration attendant upon this caused him to become very angry and at times depressed. It provides some information throwing light upon his assertion that he fired "in self-defense" even though this seems irrational to observers. This was the picture before the shooting, during the trial, and at the time of this examination, October 17, 1957.

It is the function of the prosecutor to bring out essential facts at the trial regardless of the cost to the defendant, within the limits of the law. The testimony of Norman W. Moon under the stress of cross-examination has many features suggestive of a basic schizophrenic organization which are distinctly different from those of a non-schizophrenic person under severe stress. While many, if not most defendants under the threat of a death penalty will be evasive or uncooperative, fight for time by a multitude of delaying tactics, distort testimony by exaggeration or minimization to their own advantage, attempt to confuse issues, etc., Norman W. Moon brings some additional and unusual ways of answering questions. Standing on a basic assumption that the Warren County Court did not have jurisdiction, in spite of all evidence and repeated demonstration by several people to the contrary (p. 235b on transfer of jurisdiction), Norman W. Moon acted as if he could compel the world to listen to him, sympathize with and understand him, and, ultimately approve him. As one illustration, it might be cited that his grandiosity in appearing in his own defense repeatedly even after strong advice to the contrary, his refusal to pay the support money even when he had it on his person, and his careless dealings with his own attorneys are also suggestive of his egocentricity, insularity, and lack of genuine orientation to other people. This man who usually was mild, gentle, soft spoken, non-aggressive on the outside actually had a private world in which he had firm convictions, even if these were at odds with everyone else. During cross-examination he gave the outward appearance, as far as one can gather from the record, of being overtly polite, cooperative, willing to answer questions. He was usually intelligible, coherent and ostensibly oriented as to time, place, persons around him, and the circumstances which brought him there. Reading through

the cross-examination there appear numerous examples of Norman W. Moon's paradoxical sensitivity (contrasted with his lack of guilt or remorse) to minute differences in the phrasing of questions, particularly with regard to the content of a question which seems to him to be out of proper context or appropriate sequence. (See pp. 100b, 102b). He also defends himself with demanding absolutely accurate, literal statements which seem justified to him, but does not seem so to others (see p. 104b). While these defensive maneuvers are not evidence of a major disorganization of the personality, and might indeed, be offered as evidence to the contrary, they do fit in with the hypothesis that Norman W. Moon was living according to an internal reality which does not correspond to that of the society around him. His developmental history is consistent with this hypothesis. He lived more than most as an apparently well organized social being, able to conform to the wishes of others at home, in school, in the army, and on various jobs and even in jail, just so long as his deep internal convictions were not stirred by conflict. This is a common finding for many people, most of whom live blameless and even praiseworthy lives, but does not negate the presence of an essential core of egocentric, emotionally distant, persistently socially disoriented motives, which come to the surface for all to see under specific stress. It was his misfortune as Judge Flick and others said (p. 425a) that he met and married a girl with whom he could not live, and that his earlier life, although it seemed placid and ordinarily did not prepare him to deal with the support proceedings and thus brought to attention his disoriented views. The past history as given in the record is not incompatible with that of a pre-psychotic or psychotic personality as we see them in daily medical practice.

During the trial Norman W. Moon made numerous references to his ill-formed and vacillating thoughts to commit suicide. This was contradicted in part by testimony, but received reinforcement when he shot himself in the throat and head in a hazardous manner on January 13, 1954. We are told by the prison officials and physicians and Moon himself that he becomes depressed and preoccupied with suicide.

The prisoner's confused and disoriented behavior in the Warren County Jail (July 31, 1954) which resulted in his removal to the Warren State Hospital merits review. The statement of Dr. Walters, a Commission member, as given in the Opinion by Judge Flick dated January 28, 1956, on pp. 264a, 265a, 266a provides definite evidence of a psychotic state.

"Here is a man that showed no abnormalities from the time of my introduction to him on the operating table, through two weeks of hospital care and five months of observation in the jail, to a general deterioration within the last two weeks I would say, to one who manifests a marked change of personality." Then he began to be slovenly in his personal habits, irritable at times with his guards, freer in the use of filthy language, and at times sat around in the nude, indulged in self abuse, was awake at night leaving lights on, played with his food and wrote on the walls. This conduct culminated in a disturbance which he created on July 31, 1954, piling up furniture and sitting on top for some time while he reflected light from a paper, used abusive language and refused to come down. This conduct led to the Sheriff's petition, the appointment of a Sanity Commission and defendant's temporary confinement at the Warren State Hospital for observation. While there he showed a behavior pattern of irrelevant and garrulous conversation with rigid outward emotional control, at times touching his forehead or touching the person he was talking to; he showed over-concern with religious matters without emotional feeling therefor, at times disassociated thinking processes, a pseudo-philosophical attitude not in keeping with his circumstances, unreasonable demands as to what he conceived to be his rights, a conversational pattern stimulated almost entirely by his external surroundings, evasiveness as to previous behavior, unnatural and spontaneous word association, resentment for what he believed to be a false accusation by a guard; he attributed hidden significance to gestures of those talking with him, used letters, numerals and de-

signs, meaningless except as a code to him, was unwilling to talk about his personal problems and circumstances and showed a spotty type of flushing on his face and neck when under marked emotional tension.

"He insisted he was not mentally ill and tried to justify his acts and remarks. He knew why he was in jail, knew that he faced a sentence in accordance with the jury verdict, knew he was on trial for his life, recalls his trial, admits that no one is justified in taking anyone else's life, knows that it is not right to shoot anybody, and what the consequences of his actions might be."

Judge Flick's opinion of January 28, 1956 also records another period of irrational behavior at the Warren State Hospital which was described by Dr. Robert Israel as "Another exacerbation of his symptoms of a pattern similar to those shown at the time he first entered this institution." (p. 270a and Sanity Commission record p. 95). While the causes for these two episodes are not known, and there is no evidence of any recurrence in the meantime, it is the opinion of the undersigned examiners that such episodes are likely to recur if he is properly provoked. These episodes of irrational behavior are an integral part of his personality and will manifest themselves repeatedly under appropriate stimulation.

Although there is considerable testimony by the staff of the Western State Penitentiary to the effect that Norman W. Moon showed no unusual behavior, it is noteworthy that a staff psychiatrist, Dr. James L. Baker, wrote in his report of May 10, 1956: "He has had more bizarre behavior reported from the Home Block. At the present time he certainly is considered to be non-psychotic."

The depressive behavior with refusal to eat and lack of interest in participating in the exercise hour is not necessarily evidence of psychosis. The occasional reported ringing in the ears, backache, stomach cramps and diarrhea would not seem to be either major determinants or results of a severe mental disorder. Careful questioning did not elicit any hallucinatory content associated with the ringing in the ears, nor was there any suggestion of delusional meaning attached to the other somatic symptoms. However, his preoccupations became so intense and bizarre that they do suggest schizophrenic thinking. On direct examination he stated that while in jail before the shooting he had been told that the wife of Judge Wade had died of an accident under suspicious circumstances and that Judge Wade might have instigated the accident. In reply to questions about remorse or guilt about shooting Judge Wade, Moon said that whatever guilt there might have been was wiped out by his knowledge, gained after the shooting, that Judge Wade had seen Mrs. Moon the night before the shooting at the Carver Hotel. Since she was a waitress there, it is entirely possible that there was an innocuous meeting. For lack of facts we do not report these ruminations as delusions, but wish to bring out his thinking which gives some background, however unreasonable, for his apparently absurd claim that he shot "in self defense." These ruminations do not enter into our final conclusions as to his mental illness. One dream which is said to be typical of schizophrenics (world destruction fantasy) can be reported. Shortly after arriving at the Western State Penitentiary he dreamed of sitting on a veranda with a middle-aged woman on a quiet, peaceful evening. This idyllic scene was halted by a collision of the planets and the moon. (Note reference to his name.) He was terrorized by the destruction and awoke to find himself in a state of fear, pounding his head against the wall. Underneath the outward facade of being oriented, coherent, cooperative, this man has a strongly persistent paranoid personality with suspiciousness, particularly toward Judge Wade, and the fixed system of beliefs that he was treated unjustly.

The initial refusal of Norman W. Moon to sign an application for a commutation of his death sentence as described to us by the Warden and his associates is another evidence of his stubborn adherence to his private world and his lack of a reasonable orientation to others. Apparently his mother and brother pleaded with him until they were reduced to tears before he signed the applica-

tion as a means of placating them. He asked the Warden for advice because he apparently saw no reason why he should try to save his own life.

VI. Answers to the four questions:

A. Is Norman W. Moon mentally ill?

It is the unanimous opinion of the undersigned examiners that he is mentally ill with a disorder commonly known as "Schizophrenia, paranoid type."

B. If he is mentally ill, how would you describe that illness?

The evidence for the existence of Schizophrenia, paranoid type will be summarized from the foregoing material. While in appearance and general behavior, Norman W. Moon seems to be oriented as to time, place, persons and situations, and usually acts as if he were rational, we find him to have a private system of ideas and values which are bizarre and inappropriate and have the power of a delusional system. Although much of his speech is relevant and coherent, he shows some evidence of disorientation under stress and even gross lack of control at times. He is suspicious of persons who do not accept his distorted value system (see also Warren State Hospital Report), and specifically was paranoid toward Judge Wade for apparently no good reason by external, verifiable standards. His plea that he shot "in self defense" against all visible evidence to the contrary is the culminating example of his private system. His mood is somewhat depressed, as it might well be under the circumstances. His basic affective relations to people are usually distant, but when intense are inappropriate. Although his outward emotional control seems good, it is a pattern of rigid control with little flexibility for appropriate modulation of expression. While his recent and remote memory for names, dates, places and situations are as good as can be expected, he has a definite and quite unreasonable insistence upon the proper wording of questions and answers which is commonly found in paranoid schizophrenics. In our direct examination he is apt to use a language suggestive of the pseudo-philosophical attitude ("deep thinking") and the dissociated thinking reported by the Sanity Commission of the Warren State Hospital. In both small and large matters he makes unreasonable demands upon those about him to listen to his distorted views and to comply with his wishes. He is quick to resent intrusion into his private life and what he construes as false accusations. He has an entirely false notion about the so-called injustices which were done to him. He reasons from false premises to justify his acts. He is an intelligent, sensitive man about affairs which concern him, but shows little or no ability to take a point of view outside himself. This egocentricity was seen in his poor (grandiose) judgment in acting as his own counsel repeatedly even when warned by Judge Wade of his folly. His unquestionable attempt at a violent suicide and his initial refusal to sign application papers for a commutation of a death sentence are other examples of this stubborn private value system. We believe his judgment to be defective in many areas as seen from the evidence even though he might well be able to conduct his affairs as well as most people for indefinite periods of time. His insight into his own motives are very limited and probably distorted. Like many patients, he has some idea about his sickness but must deny mental incompetence at all costs.

C. If he is mentally ill, has that illness so lessened his capacity to use his customary self-control, judgment and discretion as to render it necessary or advisable for him to be under care?

Yes, it seems to us that it is both necessary and advisable for him to be under care, i.e., medical treatment, even though the prognosis is probably poor, because he should have the benefit of such treatment as is now available (treatment may become much more efficacious in the future), and also for the protection of society.

D. If he is mentally ill, is he so mentally ill that it is advisable, for his welfare or the protection of the community, that he be committed to other than a penal or correctional institution?

Yes, it is our unanimous opinion that it is advisable, both for his welfare and the protection of the community,

that he be committed to other than a penal or correctional institution.

Sincerely,

Henry W. Brosin, M. D.
James M. Henninger, M. D.
Robert J. Hudson, M. D.

BOARD OF PARDONS

In re application of William Mumma, 308-C, No. 9090, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of William Mumma, convicted of agg. assault and battery; assault with intent to commit sodomy and sodomy in the Court of Oyer and Terminer and Quarter Sessions of Dauphin County on September 23, 1946 be commuted from 13 years to 11 years, 2 months, 20 days, expiring on December 13, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until September 23, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Curtis Nored, No. A-3718, June Session, 1957. Recommended September 1957 Session.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Curtis Nored, convicted of voluntary manslaughter in the Court of Oyer and Terminer of Allegheny County, on November 12, 1952 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant, who was placed on probation for a period of five years for the crime of voluntary manslaughter, is forty-one years of age. The facts of the crime are that the applicant was sitting in an automobile with his girl friend, in front of her home, when the victim came up to the car and started an argument relative to this young lady. The victim drew a revolver and fired at the applicant, thereupon the applicant also drew a revolver and fatally shot the victim. Both the applicant and the victim had been going with the young lady and were rivals for her affection.

The applicant did not serve any time in prison and his probation was terminated by the Court in May of 1956. This was the applicant's first offense.

The applicant is now employed by the Ford Motor Company of Pittsburgh and earns a good salary. For the past four years he has been studying in order to qualify himself to enter the ministry. The Board has on file a letter from his Minister stating the applicant is taking subjects to equip him to qualify for college and seminary admittance.

The trial judge is deceased, but the President Judge, the Honorable William H. McNaugher, wrote the Board that he had no objection to the granting of a pardon.

The Board believes that this tragic experience has changed the way of life of the applicant and that he is now determined to live a law-abiding life. The records of the Chief Probation Officer of Allegheny County indicate that all costs of the trial have been paid and the Probation Officer further states that the applicant is no longer on probation and has been conducting himself properly. The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Claudio Pagon, E-3468, No. A-4170, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Claudio Pagon, convicted of murder in the second degree in the Court of Oyer and Terminer and Quarter Sessions of Chester County on January 5, 1953, computed from March 31, 1952 be commuted from 8 years to 5 years, 9 months, 10 days, expiring on January 11, 1958.

Our reasons for making this recommendation are as follows:

This applicant became involved in a fight in a bunk house, and in the course of the fight, the applicant stabbed the victim fatally. Both applicant and victim were Puerto Ricans, and had been quarreling during the evening, but the applicant denied any ill-feelings towards the victim.

The trial judge, the Honorable Ernest Harvey, neither opposes nor recommends commutation. The district attorney could not be reached by the parole investigator to comment on the application, and did not advise the Board as to his opinion of the application.

The applicant has served over two-thirds of his minimum sentence, and the staff reports that during his incarceration he has matured considerably and has responded to guidance. He is credited with a good prison adjustment and an excellent record.

This was the applicant's first major offense.

The Board believes that this young man has learned a lesson which will guide him in the future. He will be under parole supervision for some years and will have the help of the Parole Department of both New York and Pennsylvania to assist him in becoming a law-abiding citizen. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved;

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Wylie Patterson, E-820, No. A-2351, June Session, 1957. Recommended September 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Wylie Patterson, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on February 21, 1944 and May 26, 1944 computed from January 22, 1949 be commuted from 20 years to 8 years, 11 months, 10 days, expiring on January 2, 1958.

Our reasons for making this recommendation are as follows:

This applicant is thirty-five years of age and was sentenced for the offense of robbery for from 20 to 20 years, effective January 22, 1949.

The facts of the crime are that the applicant and his accomplices robbed a man they had spotted in a Tavern. They also had strong-armed a pedestrian and used brass knuckles on one victim. The accomplices of the applicant have all been released from prison. The applicant, however, broke his parole of a prior sentence by this offense and served approximately six years of back-time before he commenced his present sentence.

The trial judge is deceased, and the President Judge, the Honorable Joseph L. Kun, expressed no opinion as to the merits of the case. The district attorney's office stated that it is the recommendation of their office that the applicant be granted a commutation, due to the fact that two of the accomplices were granted commutation by the Board.

The penitentiary staff reports that during his incarceration the applicant has had a good record and has demonstrated attempts of self-improvement. All reports indicate that his record is satisfactory.

Although this applicant had a prior criminal record, largely juvenile, the Board believes that his incarceration for the past fourteen years has greatly improved him, and that there is little likelihood that he will return to a life of crime. The Board, taking into consideration that he will be under parole supervision, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles H. Perry, 5855-C, No. A-446, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due

public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Charles H. Perry, convicted of burglary and larceny; prison breach and aiding prisoner to escape in the Court of Oyer and Terminer of Crawford County on August 2, 1948 computed from July 9, 1948 be commuted from 10 years to 9 years, 5 months, 10 days expiring on December 19, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until July 9, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Herbert Wilson Poe, E-2627, No. A-1806, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Herbert Wilson Poe, convicted of assault and battery, assault and battery with intent to ravish; incest, adultery; incest; rape; carnally knowing and abusing woman children under sixteen years in the Court of Oyer and Terminer and Quarter Sessions of York County on November 5, 1951 be commuted from 7½ years to 6 years, 2 months expiring on January 5, 1958.

Our reasons for making this recommendation are as follows:

This applicant plead not guilty but was adjudged guilty of a series of offenses involving his three daughters. This crime was his first major offense involving carnal abuse of his three children under the age of sixteen.

The prison authorities state that he has conducted himself very well while incarcerated and is credited with attempts of self-improvement. He holds a position of trust in the institution.

The trial judge, the Honorable Walter I. Anderson, states that he does not oppose commutation of his sentence. Likewise, the district attorney expressed no opinion as to the merits of the application.

The Board is in receipt of a petition signed by the three daughters urging that their father be released. The Board is also in receipt of a petition signed by many persons living in the Mt. Wolf area, asking that the Board commute the sentence of the applicant.

The wife of the applicant, who appeared before the Board, testified that she and five children are making every effort to operate the farm near Mt. Wolf, Pennsylvania, and that the burden has affected her health seriously.

The Board believes that this applicant has been pun-

ished for this serious offense, and is of the opinion that his release at this time will not be a menace to society or detrimental to his family, and the Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles Price, 5704-B, No. A-567, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Charles Price, convicted of burglary and larceny in the Court of Oyer and Terminer of Washington County on November 15, 1949 computed from November 15, 1949 be commuted from 10 years to 8 years, 1 month, expiring on December 15, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until November 15, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Fred Reddy, No. A-4174, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Fred Reddy, convicted of aggravated assault and battery with intent to kill; carrying concealed deadly weapons, in the Court of Quarter Sessions of Philadelphia County, on January 24, 1937 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is forty-one years of age. It appears that he was seeing a girl whose step-father objected to his calling on her at her home. The applicant arranged to meet this girl outside her home several blocks away. The girl's step-father asked a policeman to notify the applicant that his attentions were not welcomed. Unpleasant words were exchanged between the policeman and the applicant. The officer ordered the applicant to raise his hands while he searched for weapons. The applicant seized the officer's club, hit the officer over the head, and when the officer reached for a revolver the applicant took the revolver. It was discharged and the officer was wounded in his chest and hands.

The trial judge is deceased, and the President Judge, the Honorable Joseph L. Kun, had no information on the case and withheld his opinion as to the merits of the application. The district attorney's office is not opposed to the granting of this application.

The applicant, after this offense in 1937, joined the Army and now holds the rating of Master Sergeant. He was reduced from the grade of Warrant Officer by reason of this criminal act. Prior to this offense he had no criminal record and since that occurrence he has had no record of criminal offenses except for minor offenses during his army career.

The applicant intends to make the United States Army his career and believes that if his record is clear he may be restored to the grade of Warrant Officer. The applicant had a very distinguished war record, extending from 1943 to the present time.

The Board believes that this young man, who intends to make Army life his career, is deserving of the clemency of the Commonwealth, and the Board, therefore, recommends a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
NOT SITTING
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Marvin Rhock, E-4606, No. A-4205, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Marvin Rhock, convicted of voluntary manslaughter in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on June 9, 1954 computed from November 6, 1953 be commuted from 5 years to 4 years, 2 months expiring on January 6, 1958.

Our reasons for making this recommendation are as follows:

This applicant is thirty-five years of age. The applicant plead guilty to the offense of voluntary manslaughter as it appeared that he and the victim were drinking in a tavern, and the victim over-indulged and passed out. The next morning he discovered that his money was missing. About one month later the applicant and the victim met in the home of one Sara White and the applicant observed the victim abusing the woman. The next day the applicant and the victim met, words were spoken and the applicant pulled out a gun and fired it. The applicant alleged that the victim had threatened him and he was carrying the revolver to protect himself.

The trial judge, the Honorable L. Stauffer Oliver, wrote the Board that he was not opposed to the application in view of the excellent prior record of the applicant and the circumstances under which the shooting occurred. However, the district attorney's representative stated that the office was opposed to the granting of commutation.

The prison staff states that the applicant has the highest honor rating in the institution, and has a most excellent record. He has adjusted and has grown more mature during his confinement. The staff also speaks most highly of his cooperation and attitude.

The applicant has no prior criminal record. The Board believes that the adjustment this applicant has made while confined is indicative of his determination to live a law-abiding life if released, and the Board, therefore, recommends commutation.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Neil LeVerte Rogers, No. A-4221, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Neil LeVerte Rogers, convicted of robbery in the Court of Oyer and Terminer of Dauphin County on January 16, 1957, computed from January 15, 1957 be commuted from 1 year to 11 months, 20 days expiring on January 5, 1958.

Our reasons for making this recommendation are as follows:

This applicant is twenty-three years of age. It appears that the applicant and an accomplice entered the Community Inn in Hershey and proceeded to a room occupied by one Curtis Haufmaster, a deaf person. While one of them held the victim on the bed, the room was searched and about One Hundred Ten Dollars was taken.

The trial judge, the Honorable Walter R. Sohn, advised the parole investigator that he thought the application was a little premature, but reversed this opinion later and the attorney for the applicant stated that the Judge had no objection. Likewise, the district attorney stated to the Board that he now had no objection to a commutation being granted, as the applicant had served a substantial portion of his minimum sentence.

This applicant had no previous criminal record. The Board has many letters from former employer, former fellow-workers and others, attesting to his reputation and character. The Board is assured that his former employer will have a job available, and his pastor is ready to give him proper guidance and assistance.

We are informed that he has a good record at the County Prison and has been a trusty for most of his confinement.

The Board believes that this applicant will have a law-abiding life in the future and therefore recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.

(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Rosetti, 312-C, No. 8641, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Joseph Rosetti, convicted of burglarly, receiving stolen goods, in the Court of Quarter Sessions of Philadelphia County on February 13, 1945, be commuted from 20 years to 12 years, 10 months, expiring on December 13, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until February 13, 1965.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Harry Schoedler, No. A 4137, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Harry Schoedler, convicted of larceny of automobile, and operating without owner's consent, in the Court of Quarter Sessions of Philadelphia County, on January 30, 1928, be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is fifty-two years of age. He was given a suspended sentence and placed on probation for a period of two years. It appears that in 1927 the applicant, with some other boys, while drinking, stole a yellow taxicab and drove it around the city in a reckless manner. They were apprehended and arrested for this offense.

Since 1927 the applicant has lived a very law-abiding life. This offense was his first and only one.

The sentencing judge, the Honorable Joseph L. Kun, write the Board that he was not opposed. He stated: "The

criminal record against him, slight as it is, is of course a hindrance to him in his employment. It seems to me that this may be a proper case for granting applicant a pardon." Likewise, the district attorney offered no opposition.

The applicant is presently employed by the Globe International Detective System as one of their detectives and it is necessary that his record be cleared of any criminal offense in order to advance in his profession. The Board is in receipt of a letter from that Company paying tribute to the trustworthiness and integrity of this applicant.

The applicant is required to carry concealed deadly weapons and a pardon for the offense committed is necessary in order to obtain such a permit.

The Board believes that this applicant has become a responsible citizen by his conduct for the past thirty years, and the Board, therefore, in order to clear his record, recommends a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
NOT SITTING
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Frank Servidio, Jr., C-4350, No. A-4203, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Frank Servidio, convicted of burglary, larceny, receiving stolen goods in the Court of Oyer and Terminer and Quarter Sessions of Erie County on February 13, 1957 be commuted from 1 year to 10 months, 20 days expiring on January 3, 1958.

Our reasons for making this recommendation are as follows:

This applicant is twenty-two years of age. He, together with four accomplices, broke into a Liggett and Myers Tobacco Company truck and stole a large quantity of cigarettes and pipe tobacco, valued at Seven Hundred and Seventy-Five Dollars. The applicant plead guilty to the offense. His accomplices all received lesser sentences, and two of them have been released on parole.

The institutional reports show that for the time he has been incarcerated the applicant has shown improvement and is making progress in rehabilitating himself.

The trial judge, the Honorable Burton R. Laub, is not opposed to the granting of commutation, we are advised by the parole agent. However, the district attorney believes that the applicant should serve his entire minimum sentence.

The Board is of the opinion that this applicant, who had but one minor offense for which he was fined prior to this offense, will, if released, live a law-abiding life. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Edward Shannon, E-8921, No. A-4146, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of James Edward Shannon, convicted of larceny and receiving stolen goods in the Court of Quarter Sessions of Philadelphia County on February 8, 1957 be commuted from 1 year to 9 months expiring on November 8, 1957.

Our reasons for making this recommendation are as follows:

This applicant is nineteen years of age. He is alleged to have taken a wheel and a tire from a parked care. His identity was traced by the make of the automobile in which he fled the scene of the offense, and when his home was searched by the police they found the tire which had been stolen from the victim's car. The applicant denied his complicity in the crime. However, he was adjudged guilty by a jury and received the sentence of one to five years. This was his first offense.

The trial judge, the Honorable Clinton Palmer, did not reply to our letter of inquiry. The office of the District Attorney is opposed to the granting of clemency.

The board believes that this sentence was a severe one in view of the value of the merchandise involved and further that this was the applicant's first offense.

During his incarceration the prison authorities report he has obeyed the rules and regulations and is employed as a clerk in the Identification Division.

The Board, taking into consideration the fact that this was the applicant's first offense, the further fact that the sentence was a severe one, and the age of the applicant, recommends that his minimum sentence be commuted when he has served nine months and he be released on parole.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Harry Sibert, 7049-C, No. 6691, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Harry Sibert, convicted of Felonious Breaking and Entering and Larceny in the Court of quarter sessions of Washington County on May 4, 1936, computed from August 4, 1951 be commuted from 10 years to 6 years 4 months 10 days expiring on December 14, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The

Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until August 4, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Stinson, C-1933, No. A-2629, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Stinson, convicted of armed robbery and receiving stolen goods in the Court of Oyer and Terminer of Allegheny County on February 6, 1951, computed from December 3, 1950 be commuted from 7½ years to 7 years, 1 month expiring on January 3, 1958.

Our reasons for making this recommendation are as follows:

This applicant is thirty-five years of age. The offense for which he was sentenced was briefly that he, together with two accomplices, drove to the office of the Republic Steel Company for the purpose of robbery. The applicant drove the car, the two accomplices entered the office and proceeded to hold up the office force. Having shot one of the girls in the hip they seized the guard of the plant office and pushed him into the car and drove away. A short distance from the plant they threw the guard out of the car. During the ride the guard was hit on the head with a gun butt.

This applicant has been in the penitentiary for nearly seven years of the seven and one-half year minimum and has maintained an excellent record while incarcerated. At present he is employed in the warden's residence, which is considered a job of great trust.

The trial judge, the Honorable Walter Smart, advised the parole agent that he had no objective if the applicant's behavior has been good. Likewise, the district attorney's office has no opposition.

The Board believes that this applicant has been sufficiently rehabilitated to be released prior to the expiration of his minimum sentence. His excellent behavior leads the Board to believe that he will conduct himself as a law-abiding citizen when released. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Roscoe Andrew Storm, No. A-45, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Roscoe Andrew Storm, convicted of larceny of motor vehicle; larceny and receiving, in the Court of Oyer and Terminer and Quarter Sessions of Luzerne County on April 6, 1945, computed from March 27, 1945 be commuted from 15 years to 11 years, 9 months, 10 days, expiring on January 7, 1957.

Our reasons for making this recommendation are as follows:

This applicant is thirty-eight years of age. He was a member of a group who stole automobiles, changed engine numbers and sold the cars. Likewise, he was involved in robbing several business places.

The applicant's minimum sentence was commuted by the Board at the December 1951 session and he was released on parole in April 1952.

This applicant had a prior criminal record and served back-time before commencing the sentence for this offense. However, since 1952, he has conducted himself in a law-abiding manner and is presently employed at a gasoline service station at Seventy-Five Dollars per week.

The trial judge, the Honorable W. Alfred Valentine, wrote the Board that he has no objection to the commutation of the maximum sentence. The district attorney withheld any comment as he was not familiar with the facts of the case.

The Board of Parole, under whose supervision the applicant has been for the past five years, has no objections to the commutation of the maximum sentence. That Board reports that the applicant appears to be highly thought of by his employer, and the Parole Agent feels that his reputation is excellent, and their has been no reports of any misconducts.

The Board is of the opinion that this applicant will not again offend against the laws of society and believes that the applicant can safely be released from parole. The Board, therefore, recommends his maximum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
NOT SITTING
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Stephen Supperl, 7475-A, No. 7464, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Stephen Supperl, convicted of robbery by holdup at gun point; violation of Witkin Act, etc., in the Court of Oyer and Terminer and Quarter Sessions of

Philadelphia County on November 21, 1941, computed from August 24, 1943, be commuted from 18 years to 14 years, 3 months, 20 days, expiring on December 14, 1957. Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after receiving his record. But for this action the applicant, because of his sentence, would remain on parole until August 24, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Swiderski, C-2165, No. A-2531, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Swiderski, convicted of rape in the Court of Oyer and Terminer of Allegheny County on April 11, 1951, be commuted from 7 years to 6 years, 8 months, 20 days, expiring on January 1, 1958.

Our reasons for making this recommendation are as follows:

This applicant is forty-four years of age. Briefly the facts of the crime are that the applicant was accused of entering the room of the victim wherein he was a boarder in the same house. He alleges that he had been drinking the evening prior to the offense and had no recollection of the occurrence. He plead not guilty but was adjudged guilty by a jury.

The trial judge, the Honorable James J. O'Toole, is deceased and the President Judge, the Honorable William H. McNaugher, wrote the Board that he had no information on the case and could, therefore, express no opinion. The representative of the district attorney's office stated that the office was not opposed.

The applicant has served six and one-half years of his seven year minimum sentence and during his incarceration he has earned the highest honor rating in the institution. The prison staff reports that the applicant has a job of responsibility and trust and performs all duties quite capably. The staff further states that the application merits favorable clemency consideration.

The Board believes that this applicant, who had no prior criminal record of any consequence, is deserving of clemency and further believes that, if released, he will maintain a law-abiding life. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Robert Tennant, 4915-D, No. A-4177, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Robert Tennant, convicted of robbery in the Court of Quarter Sessions of Dauphin County on February 5, 1945, computed on from January 5, 1945 be commuted from 15 years to 12 years, 11 months, 10 days, expiring on December 16, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until January 6, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Mike Troychek, 949-C, No. A-863, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Mike Troychek, convicted of robbery; armed with offensive weapon; robbery with accomplice in the Court of Quarter Sessions of Westmoreland County on December 6, 1946, computed from November 12, 1946, be commuted from 12 years to 11 years, 1 month, expiring on December 12, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his

record. But for this action the applicant, because of his sentence, would remain on parole until November 12, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John C. Urman, C-2317, No. A-3800, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John C. Urman, convicted of burglary in the Court of Oyer and Terminer of Allegheny County on April 16, 1947, computed from July 25, 1951 be commuted from 8 years to 6 years, 5 months, 10 days, expiring on January 5, 1958.

Our reasons for making this recommendation are as follows:

This applicant is thirty-nine years of age. He, together with three accomplices, burglarized the office of a gas company and carried away tools to the value of six hundred dollars. The group was also involved in from four to eight other burglaries in Allegheny County and the applicant was indicted on eight counts and plead guilty to these offenses.

During his incarceration the applicant has maintained an excellent record and has made a very favorable impression with officials. In fact he was recently awarded an honor rating. The staff reports he shows a readiness to assume social obligations, as he is functioning on a more mature and realistic level. The staff feels that further confinement will serve no useful purpose, and that the application warrants clemency consideration.

The trial judge is deceased and the President Judge, the Honorable William H. McNaugher, wrote the Board that he had no recommendation to make as he was not familiar with the case. The district attorney's office is opposed to granting of clemency although the applicant has served over six years of his eight year minimum.

This applicant had a prior record, but the Board believes that his present incarceration has proven of sufficient value that he will, if released, lead a law-abiding life. The Board is persuaded that he has seriously attempted to rehabilitate himself, and the Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Alfred Bradley Utter, E-4050, No. 2957, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Alfred Bradley Utter, convicted of rape and incest in the Court of Oyer and Terminer of Susquehanna County on November 16, 1953, computed from June 24, 1953 be commuted from 6 years to 4 years, 6 months, 10 days, expiring on January 4, 1958.

Our reasons for making this recommendation are as follows:

This applicant is fifty-three years of age. He plead guilty to intercourse with his daughter, who was only twelve years old. The applicant was examined by a psychiatrist at the Danville State Hospital and found to be sane and was thereupon sentenced by the Court.

The trial judge, the Honorable Edward P. Little, stated that he would rely upon the Board and be satisfied with any decision they would make. Likewise, the district attorney left the disposition of the case to the discretion of the Board of Pardons.

The staff of the penitentiary state that the applicant has earned an honor rating, and his attitude and behavior have been above reproach. The staff believes that any extended confinement would prove nothing of a positive nature, and feels that this may be the optimum time for release.

The applicant is presently employed in the electrical shop in the penitentiary and is considered to be an excellent worker. He will have served almost two-thirds of his minimum sentence if released at this time.

The Board, taking into consideration the fact that the applicant appears to exercise fair control over his impulses and does not show aggressive tendencies, feels that, if released, he will continue to improve and will no longer offend against society. The Board, therefore, recommends his sentence be commuted, and he be released on parole.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Michael Della Vella, No. A-4155, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Michael Della Vella, convicted of attempted rape, taking and enticing in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on November 9, 1942, be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is thirty-four years of age. When he was but twenty years of age he had a date with a fifteen year

old girl. They stayed out later than her parents permitted so they went to a hotel, registered as man and wife, but they did not have any sexual relationship. The applicant returned the girl to her home the following day. He was later arrested and received a suspended sentence.

Since this offense, back in 1942, the applicant has married, and has five children. He is buying a home and is employed at the Esslinger Brewery and has been working there since 1946.

The applicant desires to procure a watchman's job and requires a permit to carry a concealed weapon. To do so, it is necessary to have his record clear and for that reason he requests a pardon.

This applicant had no previous criminal record nor has he been in any trouble since 1942. He served his country valiantly as a member of the United States Marine Corps. He bears a good reputation in his neighborhood.

The trial judge, the Honorable James C. Crumlish, wrote the Board he had no objection to the granting of a pardon. The district attorney is also not opposed to the granting of a pardon.

The Board recommends that this man, who committed a serious crime, but who has proved since then, that he is well adjusted by maintaining a spotless life as a law-abiding citizen, is deserving of the clemency of the Commonwealth, and the Board, therefore, recommends a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Herman D. Wagner, 7085-C, No. 4350, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Herman D. Wagner, convicted of murder in the first degree in the Court of Quarter Sessions of Berks County on June 13, 1929 be commuted from life imprisonment to 26 years, 6 months, 10 days, expiring on December 23, 1958.

Our reasons for making this recommendation are as follows:

It appears that this applicant, together with three other persons, were involved in a robbery of a mill in Hamburg, Pennsylvania. During the course of the robbery, the Chief of Police of Hamburg was killed by a bullet from a gun fired by one of the accomplices. The applicant had his sentence commuted by the Board of Pardons in December 1945 after serving over thirteen years in the penitentiary.

Since his release, the applicant has not become involved in any criminal offenses and has conducted himself as a law-abiding citizen. He is presently employed as a salesman for a refrigerator concern in Philadelphia and has conducted himself in a satisfactory manner. He does a great deal of traveling in connection with his employment and is desirous of having his parole supervision terminated so that he may feel free to pursue his work without the necessity of reporting to Police Chiefs in various cities and states.

The trial judge, the Honorable H. Robert Mays, advised the parole investigator that he was opposed to the

granting of this application, but the district attorney left the matter to the discretion of the Board.

Due to the fact that the applicant petitioned the Board of Pardons for commutation of his maximum sentence, the Board of Parole did not formerly recommend a commutation of the maximum sentence, but the Board of Parole stated he had a satisfactory parole record and that the Board did not object to clemency.

This applicant, who has proved to be a law-abiding citizen, will not violate the rules of society, and the Board being of this opinion, recommends his maximum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Herman Wilson, 9239-C, No. 9396, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Herman Wilson, convicted of murder in the second degree in the Court of Quarter Sessions of Philadelphia County on November 12, 1942, computed from October 13, 1942 be commuted from 18 years to 15 years, 2 months, expiring on December 13, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until October 13, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William G. Zupnyk, E-6436, No. A-4184, September Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due

public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William G. Zupnyk, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on April 26, 1956 be commuted from 3 years to 1 year, 8 months, 10 days, expiring on January 6, 1958.

Our reasons for making this recommendation are as follows:

This applicant is twenty-seven years of age. This applicant informed several of his companions where the safe, containing the day's receipts, was located on the premises. The applicant was employed as a bartender of this particular establishment. Upon the information received from the applicant this group proceeded to burglarize the establishment and stole about five hundred dollars' worth of whiskey. The applicant had a minor record of arrests for juvenile offenses.

The trial judge, the Honorable Charles L. Guerin, is opposed to the granting of clemency. Likewise, the district attorney's office is opposed. However, the plea for commutation of the sentence of this applicant was made by his employer, Stanley R. Stevens, of Philadelphia. He made an eloquent plea for the release of this young man and assured the Board that he would not only employ the applicant again, but would give his personal attention to his rehabilitation and adjustment. The Board was impressed that the person who was most injured and aggrieved by this offense should be the individual who would plead for his release and offer both sponsorship and employment.

The Board believes that this young man, if properly guided by a responsible citizen, has every opportunity of leading a law-abiding life and becoming a credit to his family and to society, and since such an opportunity exists, the Board recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Matthew Breland, Jr., No. A-2320, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Matthew Breland, Jr., convicted of murder in the second degree; assault and battery, etc. in the Court of Oyer and Terminer of York County on October 28, 1948 computed from July 9, 1948 be commuted from 10 years to 9 years, 7 months, 10 days, expiring on February 19, 1958.

Our reasons for making this recommendation are as follows:

The applicant is forty-nine years of age. It appears that the applicant who was intoxicated at the time of the offense, appeared at the kitchen door of the victim and fired a shot from his shotgun at close range, causing the victim's death. He then went to the front door of the same dwelling and fired a shot at Violet Hill, who is living in the house with the victim. Miss Hill suffered a superficial wound of the hand. The applicant alleges that he was so intoxicated that he has no adequate recollection of the offense.

The trial judge, the Honorable Ray P. Sherwood, is opposed to a commutation of the minimum sentence. Likewise, the District Attorney is opposed. The institutional staff reports that he has maintained an excellent record and has exhibited an unusually good capacity to adjust, and is considered to be well motivated. He seems to be a favorable risk for release.

The applicant has spent nine years and six months in the penitentiary and although his release will be effective in July of 1958, his commutation is well deserved for his conduct and adjustment in the penitentiary and it might prove an encouragement to the applicant in his future life.

The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Robert Buckley, 6716-D, No. 9586, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Robert Buckley, convicted of burglarly, larceny, of auto, attempted robbery, in the Court of Oyer and Terminer of Northampton County, on January 5, 1944, computed from December 13, 1943, be commuted from 18 years to 14 years, 10 days, expiring on December 23, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence would remain on parole until January 5, 1962.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Donald A. Clark, No. A-4248, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Donald A. Clark, convicted of assault with intent to rob; and armed robbery, in the Court of Oyer and Terminer of Clinton County, on November 9, 1943, computed from November 4, 1943, be commuted from 20 years to 14 years, 3 months, 10 days, expiring on February 14, 1958.

Our reasons for making this recommendation are as follows:

The applicant is thirty-two years of age. The applicant pled guilty to entering the home of a neighbor with an accomplice and at pistol point demanded that the victim give him some money. When the victim refused to hand over his wallet, the applicant beat him with his fists. The applicant was paroled on March 25, 1953 and has been under the supervision of the Board of Parole of New York State for the past four and one-half years. He is now employed by the Remington Rand Corporation, Sperry, New York.

The Pennsylvania Board of Parole state that as he was a first offender and has now been under their supervision four and one-half years, they are not opposed to a commutation of his maximum sentence. The Board states that his adjustment on parole can be considered above average.

The President Judge, A. H. Lipez, states that the application has considerable merit to it and that he has no objection. The District Attorney of Clinton County stated to our parole agent that he is not opposed. The Personnel Manager of Remington Rand writes the Board that he is considered a dependable and reliable man and has won the respect of his Supervisors and fellow employees. The applicant is married and has a seven month old baby and is anxious to be relieved of supervision so that he may take his place in his community.

The Board, therefore, recommends that his maximum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Harry DeLange, 9045-C, No. 8600, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Harry DeLange, convicted of robbery, burglary, receiving stolen goods, burglary in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on October 29, 1942, computed from June 21, 1943, be commuted from 22 years to 14 years, 6 months, expiring on December 21, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence would remain on parole until June 21, 1965.

For the reason that this applicant has served a long time on parole, and the further reason that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Edward Draper, 6172-C, No. 9452, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Edward Draper, convicted of murder in the second degree, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on April 8, 1943, computed from December 23, 1942, be commuted from 20 years to 15 years, expiring on December 23, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence would remain on parole until December 23, 1962.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Eugene Eichnor, 69-C, No. A-510, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Eugene Eichnor, convicted of robbery, armed with an offensive weapon, in the Court of Quarter Sessions of Westmoreland County, on September 3, 1946, computed

from April 12, 1946, be commuted from 18 years to 11 years, 8 months, 10 days, expiring on December 22, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence would remain on parole until April 13, 1964.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Edward Fox, No. A-2700, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the minimum sentence of Edward Fox, convicted of burglary, larceny, receiving stolen goods, in the Court of Quarter Sessions of Bucks County, on May 26, 1950, computed from January 4, 1956, be commuted from 5 years to 2 years, 1 month, 10 days, expiring on February 14, 1958.

Our reasons for making this recommendation are as follows:

The applicant is twenty-nine years of age. He, together with five accomplices, committed a series of burglaries in Philadelphia and Bucks Counties. The applicant was sentenced by the Philadelphia Oyer and Terminer Courts in March of 1948 for from ten to thirty years. This sentence was commuted by the Board of Pardons in October of 1955, in order for the applicant to enter upon his Bucks County sentence of from five to ten years. The applicant has served nearly two years of the minimum sentence of Bucks County. He and his accomplices were involved in many robberies in a period of over a year or two and were arrested by the police while operating a stolen car. The police estimate that cash in the value of \$2500 and numerous items of merchandise were stolen by this group.

The Board is in receipt of a letter from Judge I. Louis Rubin stating that he will rely upon the Board for their decision. Likewise, the district attorney's office of Bucks County expressed their accord with Judge Rubin's view. The applicant has spent over nine years in prison out of a total minimum sentence of fifteen years. The Board believes that he has been sufficiently punished. The prison staff states that he has conducted himself as a proper prisoner and has shown some adjustment. All his accomplices have been released.

The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.

(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Howarth, 6512-B, No. A-4283, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of William Howarth, convicted of robbery, in the Court of Quarter Sessions of Delaware County, on March 23, 1950, computed from January 24, 1950, be commuted from 10 years to 7 years, 11 months, expiring on December 24, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence would remain on parole until January 24, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Jackson, 3684-B, No. A-464, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of William Jackson, convicted of forgery, uttering and publishing a forged instrument, in the Court of Quarter Sessions of Beaver County, on December 1, 1948, computed from November 17, 1948, be commuted from 10 years to 9 years, 1 month, expiring on December 17, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence would remain on parole until November 15, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole

recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Robert B. Jones, No. A-4234, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the minimum sentence of Robert B. Jones, convicted of rape, in the Court of Quarter Sessions of Philadelphia County, on July 24, 1956 computed from May 24, 1956, be commuted from 2 years to 1 year, 9 months, expiring on February 24, 1958.

Our reasons for making this recommendation are as follows:

The applicant is now seventy-seven years of age. The facts of the case are briefly that the applicant was a janitor in a church and molested a little girl, age eleven, who attended the Sunday School of that church. From the accounts of the trial, he had been molesting this child for sometime and there was some evidence that an attempt was made to have intercourse.

The trial judge, the Honorable William J. Troutman, specially presiding, stated that he was in favor of a commutation of the sentence because of the advanced age, his state of health, and the sponsorship. The district attorney's office of Philadelphia County expressed their opposition to a commutation. The penitentiary staff reports that this applicant has had four heart attacks since his confinement, and they feel confident that because of his advanced years he will not violate the law if released.

The Board, therefore, recommends that a commutation of his sentence be given.

Respectfully submitted,

(Sgd) ROY E. FURMAN—Dissents
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Kolb, 3291-D, No. 7684, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of James Kolb, convicted of robbery, being armed

with offensive weapon, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on September 5, 1940, computed from August 28, 1940, be commuted from 20 years to 17 years, 3 months, 20 days, expiring on November 30, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence would remain on parole until August 28, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Leonard Ladislaw, 6854-D, No. A-1537, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Leonard Ladislaw, convicted of burglary, receiving stolen goods, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on April 14, 1941, computed from April 14, 1941, be commuted from 25 years to 16 years, 8 months, 10 days, expiring on December 24, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence would remain on parole until February 7, 1966.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John W. Lee, 7331-B No. A-4284, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of John W. Lee, convicted of robbery, in the Court of Quarter Sessions of Philadelphia County, on August 29, 1950, computed from July 23, 1950, be commuted from 10 years to 7 years, 5 months, expiring on December 23, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence would remain on parole until July 23, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Harry Maurer, No. A-2041, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Harry Maurer, convicted of murder in the first degree, in the Court of Oyer and Terminer of Berks County, on June 9, 1949, computed from August 28, 1948, be commuted from life imprisonment to 9 years, 5 months, 20 days, expiring on February 18, 1958.

Our reasons for making this recommendation are as follows:

The applicant shot and killed his wife, alleging that she had been unfaithful to him. These allegations of unfaithfulness have not been proved. In all events, the applicant believed that his wife was untrue to him, and, in a blinding rage, he shot and killed her. They were living apart at the time of the tragedy.

Since his confinement the applicant has demonstrated stability and maturity. He is now in possession of the keys to the prison garage and he has become an expert automobile mechanic. The Warden of the Berks County Prison states the applicant has never broken his trust and feels that if the applicant is returned to society he will become a useful citizen of the community.

The trial judge, the Honorable H. Robert Mays, did not express an opinion as to the merits of the application. The present District Attorney is not opposed. Likewise, the former District Attorney, John E. Ruth, Esquire, highly recommends a commutation. The Board is in receipt of

letters from seven of the jurors, who heard the case, recommending leniency be extended.

The applicant possesses an unusual mechanical ability and invented a machine for use in the cannery operations of the prison farm that has saved the County a considerable sum of money.

The Board, believing that this applicant has demonstrated a high degree of rehabilitation and that he will prove to be a law-abiding citizen if released, recommends his life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Harry Milliner, 7018-D, No. 8315, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Harry Milliner, convicted of robbery while armed, in the Court of Oyer and Terminer of Philadelphia County, on February 18, 1941, computed from January 18, 1941, be commuted from 20 years to 16 years, 11 months, expiring on December 18, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence would remain on parole until January 18, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Magee, 410, No. 6107, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommended that the maximum sentence of James Magee, convicted of felonious entry-robbery while armed; burglary and larceny, in the Court of Oyer and Terminer and Quarter Sessions of Montgomery County, on April 12, 1933, computed from June 23, 1947, be commuted from 20 years to 10 years, 6 months, expiring on December 23, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until June 23, 1967.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Mull, 3066-D, No. A-4233, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Our reasons for making this recommendation are as follows:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of James Mull, convicted of aggravated assault and battery, robbery by violence in the Court of Quarter Sessions of Indiana County on September 25, 1944, computed from September 18, 1944, be commuted from 20 years to 13 years, 3 months, expiring on December 18, 1957, and further recommend that the maximum sentence of James Mull, convicted of aggravated assault and battery, robbery with offensive weapon in the Court of Quarter Sessions of Westmoreland County on August 31, 1945, be commuted from 15 years to 12 years, 3 months, 18 days, expiring on December 19, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until September 18, 1964.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John J. Olach, 3399-B, No. A-980, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of John J. Olach, convicted of arson, in the Court of Quarter Sessions of Schuylkill County, on September 21, 1948, computed from July 1, 1948, be commuted from 20 years to 9 years, 5 months, 20 days, expiring on December 21, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until July 1, 1968.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Albert Pace, 4181-C, No. A-667, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Albert Pace, convicted of burglary, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on September 4, 1947, computed from July 17, 1947, be commuted from 30 years to 10 years, 5 months, expiring on December 17, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But

for this action the applicant, because of his sentence, would remain on parole until July 17, 1977.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Mansville Reeves, No. 9022, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Mansville Reeves, convicted of kidnapping and false imprisonment; robbery with offensive weapon, etc. in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on October 7, 1938 computed from September 30, 1938 be commuted from 40 years to 19 years, 4 months, 18 days, expiring on February 18, 1958.

Our reasons for making this recommendation are as follows:

The applicant is thirty-nine years of age. It appears that he, together with an accomplice, grabbed a girl walking on the street. The applicant and his accomplice were in a stolen car and they drove to a deserted spot in the city and compelled the girl to have intercourse with them by threatening her life. Later, that same evening they attacked a man and robbed him, and later, they wrecked the stolen car.

The trial judge, the Honorable Raymond MacNeille, stated that the question of release of this applicant is dependent on his conduct and adjustment to the penitentiary. The district attorney's office stated that they were opposed to a commutation. The penitentiary staff reports that he has established and maintained for over nineteen years an unblemished disciplinary record. His adjustment is satisfactory and he has performed all assignments to the limit of his intellectual level. His accomplice, William Spencer, who received a thirty-five to seventy year sentence, had his sentence commuted in April of 1954.

The Board is of the opinion that this applicant having spent such a long time in the penitentiary and has demonstrated his adjustment in a satisfactory manner, can be safely released. His parole program will be investigated by the Parole Board and he will remain under their supervision for many years. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Ritter, 2094-D, No. 3101-1, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of William Ritter, convicted of murder in the first degree on the Court of Oyer and Terminer of Philadelphia County on March 27, 1930 be commuted from life imprisonment to 27 years, 9 months, expiring on December 27, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until end of life.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Jules Ryszeleski, 2893-C, No. A-343, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Jules Ryszeleski, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of for this action the applicant, because of his sentence, June 23, 1947, be commuted from 20 years to 10 years, 6 months, expiring on December 23, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until June 23, 1967.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the

maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,
(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:
(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Paul Sabo, No. A-3792, October Session, 1957.
To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Paul Sabo, convicted of murder in the second degree; assault and battery; aggravated assault and battery; assault and battery with intent to kill in the Court of Oyer and Terminer of Northumberland County on May 10, 1948 computed from June 13, 1947 be commuted from 12 years to 10 years, 8 months, expiring on February 13, 1958.

Our reasons for making this recommendation are as follows:

The applicant is forty-five years of age. The facts of the crime are briefly that the applicant broke into the home of his wife's people and shot and killed his sister-in-law and shot and injured his mother-in-law. Applicant blamed his wife's people for breaking up their marriage. He received a sentence of from ten to twenty years for a second degree murder and an additional sentence from two to four years for the crime of assault and battery with intent to kill.

The prison staff reports that he has demonstrated stability, maintained an unblemished disciplinary record and has made such progress in improving his education. He has acquired habits of thrift, having sent home over \$2800 to his sister.

The trial judge, the Honorable R. M. Fortney, stated to our parole agent that he had no objection to a commutation of the sentence. Likewise, the District Attorney of Northumberland stated he does not oppose the commutation. The applicant has completed the minimum sentence on the second degree murder charge and has commenced the term for the charge of aggravated assault and battery. The applicant had no prior criminal record and enjoyed a good reputation in his community.

The Board is relying upon the fine report which the prison staff has made with respect to the progress of this applicant and has a firm belief that upon release, the applicant will live a law-abiding life. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,
(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:
(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Angelo Francis Saia, Jr., No. A-1584, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Angelo Francis Saia, Jr., convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on June 18, 1942 be commuted from life imprisonment to 15 years, 8 months, expiring on February 18, 1958.

Our reasons for making this recommendation are as follows:

The applicant is 39 years of age and was sentenced by the Oyer and Terminer Courts of Philadelphia County for the crime of murder in the first degree to life imprisonment, effective June 18, 1942.

The facts of the crime are briefly that the applicant together with two accomplices entered a tavern in order to rob the establishment. The applicant was not armed but his two accomplices shot a patron.

The trial judge, the Honorable Frank Smith, now deceased wrote to Rev. Linn Bowman, D. D. former chaplain of the Eastern State Penitentiary on May 17, 1951, that he felt that Saia was the least culpable of the group and that the inclusion of Saia in the group to hold up the tavern was not a planned excursion, but the group picked up Saia on their way to the hold-up. Saia was not armed. The district attorney's office stated to the Board that the applicant played a minor part in this hold-up and they were not opposed to any action that the Board might take. The applicant has spent over 15 years of a life sentence and the prison authorities indicate that he has a good record in the institution and holds a position of trust therein. He appears to be cooperative, and responsive to directions and has a sense of responsibility.

The Board is of the opinion that this man has been rehabilitated and that there is indication from his prison experience that he will, if released, no longer follow in a life of crime. A home, a sponsor, and a job is assured the applicant, and the Board of Parole will check his program and will also supervise his parole for the rest of his life. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,
(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:
(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of George Stepp, No. A-2591, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of George Stepp, convicted of murder in the second degree in the Court of Oyer and Terminer of Allegheny County on September 19, 1950, computed from March 3, 1950 be commuted from 10 years to 7 years, 11 months, 10 days, expiring on February 13, 1958.

Our reasons for making this recommendation are as follows:

The applicant is fifty-seven years of age. He pled guilty

to killing his landlady by blows with his fist while under the influence of alcohol.

The trial judge, the Honorable Henry Ellenbogen, wrote the Board that he was opposed to a commutation. However, the District Attorney stated to the Board that they were not opposed to a commutation. The prison staff reports that his adjustment has been very satisfactory and he is considered to be a trustworthy inmate. This is his first offense.

The Board is of the opinion that this man who is now employed as a trusted worker in the laundry department and who has shown marked improvement in his habits and industry, will continue to adjust, if released to society and, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Harry D. Storm, No. A-342, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Harry D. Storm, convicted of larceny, burglary and larceny, in the Court of Quarter Sessions of Washington County on August 24, 1949, effective February 8, 1949, be commuted from 12 years to 9 years, 10 days, expiring on February 18, 1958.

Our reasons for making this recommendation are as follows:

The applicant is forty-four years of age. He committed a number of burglaries in this area during the year of 1948 and 1949 which included cash and various items of merchandise.

The trial judge, the Honorable Roy Carson, states that he has no recommendation to make in the case. The District Attorney stated to our parole agent that they would neither oppose or favor a commutation. The prison staff state that he has spent over eight and one-half years of his twelve and one-half years minimum and has adjusted adequately and does not appear to be a hardened or dangerous criminal. The applicant had a minor criminal record and this is his first major offense.

The Board believes that he having served over two-thirds of his minimum sentence and showing every likelihood that he will properly adjust when released, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Thome, 3597-B, No. 9973, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Joseph Thome, convicted of voluntary manslaughter in the Court of Quarter Sessions of Washington County on August 15, 1948, be commuted from 12 years, to 9 years, 4 months, 10 days, expiring on December 25, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until August 15, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Harry E. Thoms, Jr., No. A-4246, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Harry E. Thoms, Jr., convicted of malfeasance and misfeasance in office in the Court of Quarter Sessions of Montgomery County, on February 3, 1939, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant is fifty years of age and was sentenced to pay a fine of \$100, and placed upon probation for the period of three years.

It appears that the applicant became involved with the Chief of Police of the Borough of Norristown, over the arrest of a gambling establishment. The applicant at the time was a borough councilman and is alleged to have told the Chief of Police that if he "knocked-off" a certain gambler in the borough, he should proceed to close-up the other gambling establishments operating in the borough. Two years afterwards, when the applicant led a movement to depose the chief, this matter came to the attention of the courts.

The applicant resigned his borough office and has from this time on, been employed as a general agent for the Philadelphia Life Insurance Company. From all reports, he has conducted himself as a law-abiding citizen.

The trial judge, the Honorable Harold G. Knight, recommends that this applicant be granted a pardon. Likewise, the district attorney's office of Montgomery County is not opposed.

The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Jacob Troup, 7562-A, No. 4662, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Jacob Troup, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of York County on April 21, 1930, be commuted from life imprisonment to 27 years, 8 months, expiring on December 21, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until end of life.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Kenneth Orval Wagner, No. 5199, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Kenneth Orval Wagner, convicted of murder in the first degree in the Court of Oyer and Terminer of Westmoreland County on December 21, 1936, to be computed from December 21, 1936, be commuted from life imprisonment to 21 years, 2 months, expiring on February 21, 1958.

Our reasons for making this recommendation are as follows:

This applicant is fifty-one years of age, it appeared that he caused the death of his 14 day old baby by feeding the child caustic soda. His accomplice was one Jessie Hankey, a domestic in his home who actually administered the lye solution.

The applicant plead not guilty but was adjudged guilty by the jury. The trial judge, the Honorable J. Hilary Keenan, is deceased and the President Judge, the Honorable Richard D. Laird stated that he was opposed to the commutation of the sentence. The District Attorney stated to the parole agent that his office would leave it to the discretion of the Board. His accomplice, Mrs. Jessie Hankey, is now in Farview, a mental case. The institution staff reports that the applicant has made an excellent adjustment during his stay at Rockview, and that he works under minimum supervision and has the freedom to range the prison farm without any control.

As this crime was his first offense, the staff is of the opinion that now is the best time for favorable consideration of his application.

His parole program will be investigated by the Board of Parole and if satisfactory, he will be released for supervision by the Board of Parole for the rest of his life. The Board, therefore, recommends that his life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of George Watson, 7651-D, No. A-399, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of George Watson, convicted of robbery, etc. in the Court of Quarter Sessions of Philadelphia County, on March 11, 1946, computed from February 28, 1946, be commuted from 20 years to 11 years, 9 months, 20 days, expiring on November 30, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until February 28, 1966.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Clarence Whiteman, 3728-A, No. A-4226, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Clarence Whiteman, convicted of forgery in the Court of Quarter Sessions of Clarion County on December 12, 1942, computed from September 11, 1942, be commuted from 20 years to 15 years, 3 months, 10 days, expiring on December 21, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until September 11, 1962.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of George Wilson, No. A-4274, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the life sentence of George Wilson, convicted of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on December 17, 1940 to be computed from December 17 1940, be commuted from life imprisonment to 17 years 2 months, expiring on February 17, 1958.

Our reasons for making this recommendation are as follows:

This applicant now fifty-four years of age, plead not guilty to attacking the victim with a knife stabbing him in the chest and causing his death. It appears that the applicant and victim were acquainted and that the victim had made a rather insulting remark about the applicant and in the altercation that followed, the murder took place.

The prison authorities state that he has maintained a commendable record at the institution during which time he has earned the respect of officials and inmates. He has shown considerable stability and maturity in his thinking and it is the unanimous feeling of the staff that he is a deserving case for favorable consideration.

The trial judge is deceased and the President Judge, the Honorable William H. McNaugher, did not express an opinion as to the merits of the case. The district attorney's office was not opposed but expressed the opinion that they felt the application was a bit premature.

The Board is of the opinion that the man has reached that period in his penitentiary life that he is ready for release with every assurance that a favorable record will be made by him as a law-abiding citizen. The Board, therefore, recommends that his life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Justus J. Wilson, C-1353, A-706, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Justus J. Wilson, convicted of incest, rape, statutory rape, aggravated assault and battery in the Court of Oyer and Terminer and Quarter Sessions of Fulton County on September 13, 1949, computed from May 21, 1949 be commuted from 9 years to 8 years 8 months 20 days expiring on February 11, 1958.

Our reasons for making this recommendation are as follows:

This applicant is fifty-one years of age. At the trial it was testified that the applicant had stabbed his son with a pitch fork and had compelled his thirteen year old daughter to submit to intercourse with him for a period of approximately three years prior to his arrest.

The trial judge, the Honorable W. C. Sheeley, stated in a letter to the Board that if the mental condition of the applicant is satisfactory he would have no objection to the release of this man. The District Attorney stated that if the mental and physical condition of the applicant is satisfactory, his office would have no objection.

The staff at the penitentiary reports that the applicant is in good health and capable of doing any type of work. The Psychiatric Department reports that originally, because of his reactive depression, the applicant bordered on a paranoid state but later interviews show improvement. He is a pious, non-aggressive person who is not hardened and who has given no indication of criminal inclinations.

The applicant's wife pleaded with the Board for his release as the family and the conditions on the farm require his presence at home.

The applicant has served almost nine years of his minimum sentence, and the Board believes that he deserves the encouragement that a commutation will afford him at this time and will give him the strength to lead a law-abiding life in the future.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Yanis, 2874-A, No. 7840, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of John Yanis, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Schuylkill County on September 9, 1939, computed from July 1, 1939 be commuted from 20 years to 18 yrs. 5 mos. 20 days expiring on December 21, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until July 1, 1959.

For the reason this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Maurice L. Zegen, No. A-4244, October Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Maurice L. Zegen, convicted of embezzlement and fraudulent conversion in the Court of Quarter Sessions of Philadelphia County, on August 11, 1930 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant is fifty-nine years of age. It appears that he was an attorney at law, and received from a client the sum of \$1100 to represent an accused person. And, in another case, he received the sum of \$2498 for which he rendered no services. The applicant evidently received from various clients, sums of money to perform services in their behalf for which he rendered no service.

The applicant was disbarred by the courts and after serving a year in prison he became employed as an insurance agent by the Security Mutual Life Insurance Company. This employment dates from April of 1931. For the past twenty-five years the applicant has conducted himself in a law-abiding manner and has not been involved in any questionable actions.

The trial judge, the Honorable Harry S. McDevitt, is deceased. The district attorney's office of Philadelphia County stated that they were not opposed to the granting of this pardon.

The Board is of the opinion that this man has proved his determination to live as a law-abiding citizen for a period of twenty-five years, and therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Michael P. Andrenok, C-1244, No. A-1059, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Michael P. Andrenok, convicted of murder in the second degree in the Court of Oyer and Terminer of Greene County on June 25, 1949, computed from February 9, 1949 be commuted from 10 years to 9 years 10 days expiring on February 19, 1958.

Our reasons for making this recommendation are as follows:

This applicant, who is forty-two years of age, plead guilty to killing his wife. It was shown at the trial that the wife was in the kitchen preparing dinner and an argument ensued over the children, whereupon the applicant drew a pistol, shot and killed her.

The trial judge, the Honorable John Inghram Hook, wrote the Board that he has no objection to a commutation being granted provided a suitable sponsor and employment is provided. The district attorney stated that he was opposed and that the applicant should serve his minimum sentence.

The prison staff states that the applicant has an excellent institutional record. It is his first imprisonment and he does not appear to be basically criminal and has adjusted well in the institution. He is at present employed in the kitchen of the institution.

The Board of Parole will investigate his program and supervise him carefully, if released.

The Board believes that this applicant has been sufficiently punished, is rehabilitated, and, if released to society, will conduct himself as a law-abiding citizen. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Balon, 6440-D, No. 8440, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of John Balon, convicted of burglary and larceny in the Court of Oyer and Terminer and Quarter Sessions of Susquehanna County on January 27, 1941, computed from January 1, 1941, be commuted from 30 years to 16 yrs. 11 mos. 20 days expiring on December 21, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until January 1, 1971.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Alfred Crofert Berry, No. A-2672, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Alfred Crofert Berry, convicted of murder in the first degree in the Court of Oyer and Terminer, and Quarter Sessions of Delaware County on June 26, 1931, to be computed from June 26, 1932 be commuted from life imprisonment to 25 years 7 months 20 days expiring on February 16, 1958.

Our reasons for making this recommendation are as follows:

This applicant is sixty-one years of age and was sentenced to life imprisonment. The applicant and the victim had a fight over a woman. The applicant beat the victim over the head with a club causing a fractured skull, the victim died from this injury. While confined in the penitentiary, he was involved in two cutting affrays with inmates for which he received minor sentences.

The trial judge is deceased but the President Judge, Honorable Henry G. Sweeney expressed to the Board in writing that he would have no objection to commutation being granted, but requests that his parole program be strictly supervised. The District Attorney of Delaware County wrote the Board that this petition should be given favorable consideration, and his release be conditioned on proper work and supervision. The prison staff states that this applicant has been in the penitentiary for over 25 years and has made significant improvements in attitude,

work ability and adjustment.

The applicant has two detainees from Philadelphia County totaling 4½ to 9 years for attacks on the prison inmates, while he was confined. The Philadelphia District Attorney expressed to the Board his opposition to granting clemency in this matter.

The Board recommends that his life imprisonment be commuted to permit him to serve the sentences for aggravated assault and battery from Philadelphia County.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Ralph A. Bixler, No. 8591, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Ralph A. Bixler, convicted of murder in the first degree in the Court of Oyer and Terminer of Huntingdon County on February 27, 1941 be commuted from life imprisonment to 16 years 11 months 20 days to be computed from February 27, 1941 expiring on February 17, 1958.

Our reasons for making this recommendation are as follows:

The applicant who is now forty-one years of age shot and killed his father about one-half mile from their home. The father and the applicant had many disagreements and as the son grew older, he protected his mother, brothers and sisters from the brutality of his father. The applicant, following the shooting, took his father's wallet containing \$6.00 and went to Altoona. The next day he returned to Huntingdon and gave himself up to the police.

The applicant pled guilty to the crime and was sentenced by the Huntingdon Court to life imprisonment. This is his first offense. The penitentiary staff reports that he has had a good record both for adjustment and discipline. He has worked as a printer for many years. The staff further states that it is their opinion that he has made a good adjustment and merits favorable consideration.

The trial judge is deceased, but the Honorable Swirls L. Himes, wrote to the Board that he did not oppose this application, and he relied greatly upon the opinion of the prison staff. The district attorney wrote the Board that he had no information on the case.

The Board believes that this applicant, having shown excellent adjustment in the penitentiary, will live a law abiding life if released. The Board, therefore, recommends his life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Bright, 275-C, No. A-4305, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Joseph Bright, convicted of assault and battery; aggravated assault and battery to ravish and rape in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on September 19, 1946, computed from August 28, 1946, be commuted from 15 years to 11 yrs. 4 months expiring on December 28, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until August 28, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Bowman Francis Kennedy, Jr., C-65, No. 9715, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Bowman Francis Kennedy, convicted of robbery; burglary, larceny, receiving stolen goods; assault and battery; aggravated assault and battery, etc. etc. in the Court of Oyer and Terminer of Blair County on March 3, 1947, computed from February 8, 1947 expiring on February 18, 1958.

Our reasons for making this recommendation are as follows:

This applicant, who is thirty-five years of age, plead guilty to the allegation of laying in wait along Lover's Lane and robbing couples parked in automobiles. One of the witnesses alleged that he had forced her to have intercourse with him. He, likewise, was involved in the burglaries of stores and homes in the Altoona area.

The trial judge is deceased, and the President Judge, the Honorable John M. Klepser, stated to the Parole Investigator that he will be satisfied with any decision reached by the Board. The District Attorney wrote the Board as follows: "If favorable action is given the application, we believe, ***the applicant should be subject to strict parole supervision."

The prison staff reports that the applicant has conducted himself in a satisfactory manner and has shown excellent performance on his job assignments. It is the view of the

Rockview Penitentiary staff that the applicant be favorably considered for release at this time.

During his term in the Western State Penitentiary he lost four fingers in an accident in the tag shop. He is also suffering from a paralyzed right eye.

The applicant has no prior criminal record and the Board believes this applicant has sufficiently adjusted to be safely released to society, and, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Benjamin Calvert, No. A-4140, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Benjamin Calvert, convicted of operating a motor vehicle without the consent of owner, larceny, receiving stolen goods in the Court of Quarter Sessions of Bucks County, on September 21, 1948 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant, who is thirty years of age, had his sentence of 6 months to 1 year suspended by the Court immediately and was placed on probation for a period of 1 year.

Since this conviction in 1948 the applicant has been employed by the Thorn Company and is presently applying for a position with the Globe Detective Agency. His work with the Thorn Company has been satisfactory and his reputation in the community is very good. He has not been in any trouble since this offense.

The trial judge is deceased, but the President Judge, the Honorable Edward G. Biester, wrote the Board but had no recommendation to make. The District Attorney stated to the parole investigator that he had no recommendation to make.

The Board considered the fact that the applicant's only offense was a juvenile one in which he was placed on probation.

The Board believes a pardon should be granted and so recommends.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Daniel Capner, C-1099, No. A-2163, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Daniel Capner, convicted of rape, incest; aiding and abetting conceal death of illegal male child in the Court of Oyer and Terminer and Quarter Sessions of Allegheny County on April 20, 1949, computed from February 21, 1949, be commuted from 10½ years to 9 years expiring on February 21, 1958 and further recommend that the maximum sentence of Daniel Capner, convicted of contributing to the delinquency of a minor on April 20, 1949, be commuted from 3 years to 1 day expiring on February 22, 1958.

Our reasons for making this recommendation are as follows:

The facts are that the applicant's wife had deserted him and left him with the care of four children. The eldest daughter gave birth to an illegitimate child. The applicant was the father and he took this child and buried it, alleging that it was a stillborn child.

The applicant's sentence was commuted by Governor John S. Fine on December 17, 1954, upon the recommendation of the Board of Pardons, following the hearing at the November 1954 Session, with the provision that the applicant leave this country under a deportation order of the United States Immigration Authorities. However, the Vice-Counsel of Italy, of which country the applicant is a native and a subject, refused to issue a passport with which to effect his deportation, and the applicant has been held in the Western State Penitentiary for the past three years.

The Board has been asked to remove the condition of deportation and has been assured by his representative, Frank J. Zappala, Esquire, of Pittsburgh, that he will take a personal interest in him and see that he does not become a public charge.

The trial judge, the Honorable Henry X. O'Brien, is opposed according to the parole investigator. However, the District Attorney is not opposed. The institutional staff recommends that clemency be extended and advises that the applicant has a heart condition.

The Board recommends that a new warrant of commutation be issued eliminating the deportation condition.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Dominick Casseti, D-5325, No. A-3814, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Dominick Casseti, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on October 28, 1940, computed from June 15, 1939 be commuted from life imprisonment to 18 years 8 months expiring on February 15, 1958.

Our reasons for making this recommendation are as follows:

This applicant, who is now sixty-five years of age, purchased a "powder" from a neighbor for the purpose

of preventing the pregnancy of his wife. This powder was supposed to have caused her death. At the time of this tragedy, the Philadelphia County Courts were concerned with a series of arsenic poisonings. Their purpose was to obtain the insurance proceeds upon the lives of the decedents. This case was then considered as one of the arsenic cases. However, the autopsy indicated that the applicant's wife died from mercury poisoning and no arsenic was found in her body. The victim was a patient in a hospital and the medicine used for the disease from which she was suffering, contained mercury.

The supplier of the above mentioned powder was involved in the arsenic poisoning cases and received a life sentence, which was commuted by the Board in January 1954. The Board investigated this case and came to the conclusion that this was not an arsenic poisoning, but that this woman died from mercury poisoning, received from the medicines prescribed to her.

The trial judge is deceased, and the President Judge, the Honorable Eugene V. Alessandrini, said he would rely upon the Board. The district attorney stated that his office was not opposed to commutation.

This applicant has conducted himself in a satisfactory manner in the institution and has a splendid record both for adjusting and behaviour. At present he is not employed in the penitentiary because of his health. He has developed habits of thrift and has saved over Three Thousand Dollars.

The Board recommends his life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Vincent Cuimmo, 3616-B, No. A-4291, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Vincent Cuimmo, convicted of robbery, etc. in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on November 19, 1948, computed from October 23, 1948 be commuted from 10 years to 9 years, 2 months, expiring on December 23, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until October 23, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Diana, No. A-884, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Joseph Diana, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Lackawanna County, on March 17, 1950 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant, who is forty-eight years of age, had his minimum sentence of three years commuted in July of 1951. He was granted permission to move to New York State, where he is employed by the Cieri Construction Company as a foreman at One Hundred Dollars a week. He is married and has four children and owns his own home.

In New York, the applicant has been under the supervision of the New York Board of Parole and that Board has written us that he has not been arrested, nor questioned by the police, since his release and he lives quietly and respectfully in Utica, New York.

The trial judge, the Honorable Michael J. Eagen, stated to our agent that he will leave the matter to the Board's best judgment. The District Attorney expected to write us his comments but we have no record of receiving such a letter. It was stated at the hearing that the applicant had been threatened with deportation and requires this pardon in order to avoid this action by the United States Immigration Authorities.

The applicant had previous arrests and served one year in the Federal Penitentiary for transporting alcohol. Since his release we have been assured by both his sponsor and the New York Parole Board that he has lived a law-abiding life.

The Board recommends a pardon be granted this man in order that he will not be deported, and also, because of his record in Utica, New York, his standing in his community and his evident determination to live a law-abiding life.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Sylvester Ethridge, 6278-A, No. 7888, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommended that the maximum sentence of Sylvester Ethridge, convicted of armed to rob in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on September 2, 1940 be commuted from 20 years to 17 years, 3 months, 20 days, expiring on December 22, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until September 2, 1963.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Robert Fraction, No. 8575, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Robert Fraction, convicted of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on March 29, 1935 to be computed from March 29, 1935 be commuted from life imprisonment to 22 years, 10 months, 20 days, expiring on February 19, 1958.

Our reasons for making this recommendation are as follows:

The applicant is sixty-two years of age. The facts of the crime are that the applicant and his C. L. wife attended a wedding party. Both of them were intoxicated and an altercation ensued. The victim grabbed a knife and struck at the applicant. The record is somewhat confused as to whether the applicant drew a knife and killed the woman or if the woman in her drunken condition killed herself. In any event the stab wound became infected and she subsequently died. The applicant pled guilty to the crime.

The applicant had a criminal record of various offenses prior to the commission of this offense.

The trial judge is deceased and the Honorable Judge William H. McNaugher stated that he had no information relative to the merits of this application. The district attorney's office stated that they were not opposed, as this applicant had spent many years in the penitentiary with an excellent record. The prison staff states that he has an almost perfect institutional record and has worked in the prison laundry ever since his admission. He has developed habits of thrift and they believe he has properly adjusted.

The Board recommends clemency for this applicant, believing that his excellent adjustment and long years in prison are deserving of consideration. The Board, therefore, recommends his life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles A. Franklin, Jr., No. A-4287, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Charles A. Franklin, Jr., convicted of wounding a human being in mistake for game in the Court of Quarter Sessions of Bradford County on January 7, 1957, computed from March 4, 1957 be commuted from 1 year to 11 months, 10 days, expiring on February 14, 1958.

Our reasons for making this recommendation are as follows:

This applicant, who is eighteen years of age, was sentenced by the Quarter Sessions Court of Bradford County for one year for the crime of shooting and wounding a human being by mistake for game.

The applicant plead guilty to this offense. He, and two companions, were tracking a bear on the first day of the bear season. The applicant saw something through the trees which appeared to be black. Thinking the black object was a bear, he raised his gun to his shoulder, aimed and fired. After the shooting, he discovered he had shot his companion through his left leg above the knee. The group promptly carried the victim to the hospital in Sayre.

This hunting injury was an accident, and the applicant has served over eight months of his sentence. He is a trusty, working in the kitchen of the prison. His conduct has been exemplary.

The Board was advised by the trial judge, the Honorable William M. Rosenfield, that he had no objection to the granting of the application. Likewise, the District Attorney wrote the Board that he was not opposed.

The Board, taking into consideration the fact that the applicant had no prior record, and the further fact that the shooting was an accident, feels that he has been sufficiently punished and recommends that the maximum sentence be commuted so that he will be released.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Gorman, 5443-D, No. 7653, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of William Gorman, convicted of armed robbery and entering to commit a felony in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on February 21, 1938, computed from February 3, 1938, be commuted from 24 years to 19 years, 10 months, 20 days, expiring on December 23, 1957, and further recommended that the maximum sentence of William Gorman, convicted of robbery, etc., in the Court of Oyer and Terminer and Quarter Sessions of Montgomery County on October 4, 1938, to be served concurrently with the Philadelphia sentence, be commuted from 20 years to 19 years, 2 months, 20 days, expiring on December 24, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until February 3, 1962.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Edward Haber, 6458-A, No. A-365, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Edward Haber, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on April 29, 1948, computed to April 16, 1948 be commuted from 20 years to 9 years, 8 months, 4 days, expiring on December 20, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until April 16, 1968.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Robert Kater, E-7181, No. A-4293, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the minimum sentence of Robert Kater, convicted of rape in the Court of Oyer and Terminer and Quarter Sessions of Dauphin County on January 22, 1957 be commuted from 1½ years to 1 year, 20 days, expiring on February 12, 1958.

Our reasons for making this recommendation are as follows:

This applicant, who is twenty-seven years of age, together with three accomplices, was attending a Christmas party at which there was a considerable amount of drinking. One of the guests alleged that the applicant and his three companions forcibly raped her.

The applicant plead not guilty but was adjudged guilty by the jury. During his few months of incarceration, he has a good record and is employed as a barber in the institution. He has taken several education courses and has made good progress in each one.

The trial judge, the Honorable Walter R. Sohn, advised the parole investigator he thought the sentence was a light one under the circumstances, but felt it was up to the Board to decide. The District Attorney stated to the Board, at length, that he believed that this applicant may have been innocent of the offense because the victim is a woman whose veracity and reputation is questionable. The District Attorney went into the details of the offense and the background of the party involved. He stated definitely he was not opposed to the granting of commutation.

The Board feels that there is every likelihood that the applicant may have been a victim of circumstances which placed him in a position of guilt. Although he received a light sentence for the offense, of which he has served about eleven months, the Board believes he has been sufficiently punished since there is some doubt as to his guilt, and the Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Chester S. Knapp, C-3447, No. A-3305, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommend that the minimum sentence of Chester S. Knapp, convicted of breaking and escaping prison in the Court of Quarter Sessions of Centre County on May 24, 1951, computed from June 17, 1954 be commuted from 9 years (less 1 day) to 3 years, 8 months, expiring on February 16, 1958.

Our reasons for making this recommendation are as follows:

This applicant is forty-eight years of age. He, and an accomplice, escaped from the State Penitentiary at Rockview and were captured five days later. At the time he was serving a ten to twenty year sentence from Cambria County for the crime of burglary, effective January 11, 1943. The applicant broke prison in May of 1951 and his minimum expired in June of 1953. He actually has been in prison since 1943 and has served over three years of his prison breach sentence. The law with respect to prison breach was changed by the Act of 1953. If he had been sentenced under this Act he would have received a less severe sentence.

The applicant had a prior criminal record involving burglary, larceny, breaking and entering, and has been in and out of prisons since 1930.

The trial judge is deceased and the President Judge, the Honorable William W. Litke, had no knowledge of the case and, therefore, did not make a statement to the Board. The District Attorney of Blair County had no comments to make with respect to the merits of the application.

The penitentiary staff states that the applicant has made a good adjustment and appears to be more settled and stable with advancing age. He is the Chaplain's clerk, and the Board feels that he can be safely released to society, and so recommends.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John S. Koval, 5575-B, No. A-4304, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of John S. Koval, convicted of armed robbery in the Court of Oyer and Terminer of Allegheny County on September 27, 1949, computed from June 17, 1949 be commuted from 10 years to 8 years, 6 months, expiring on December 17, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until June 17, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Cameron Laws, E-1556, No. A-2084, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Cameron Laws, convicted of armed robbery; operating auto without owners consent; larceny of automobile; receiving stolen goods in the Court of Quarter Sessions of Philadelphia County on March 7, 1950, computed from February 21, 1950 be commuted from 10 years to 8 years, expiring on February 21, 1958.

Our reasons for making this recommendation are as follows:

This applicant, who is twenty-nine years of age, received a ten to twenty year sentence for the crime of armed robbery, operating an automobile without the owners' consent, larceny of automobile and receiving stolen goods.

He, and his accomplice, held up, at gun point, a huckster and later held up and robbed two stores in the Philadelphia area. These crimes were perpetrated within a week.

The trial judge, the Honorable Judge Eugene Alessandrini, wrote the Board that he felt the applicant was not entitled to clemency. The district attorney's office, at the hearing, expressed opposition. However, the Board considered the conduct of this man and his efforts for readjustment during his penitentiary term, and the fact that the penitentiary staff advised that he has adjusted very well, has matured considerably during the eight years of confinement; and the further fact that his accomplice, Earl Clemens, had his similar sentence commuted in December 1954, and recommends his sentence be commuted. The Board also noted the fact that this applicant had no prior criminal record and will, of course, be under the supervision of the Board of Parole.

Respectfully submitted,

(Sgd) ROY E. FURMAN, Dissents
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Alfred N. Lilley, Jr., C-3563, No. A-3427, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Alfred N. Lilly, convicted of burglary in the

Court of Oyer and Terminer of Fayette County on October 8, 1954, computed from July 17, 1954 be commuted from 4 years to 3 years, 7 months, expiring on February 17, 1958.

Our reasons for making this recommendation are as follows:

This applicant, who is twenty-six years of age, plead not guilty to stealing an air compressor, a television set and other merchandise. He was adjudged guilty by the jury.

Of the applicant's three accomplices, two were placed on probation and the third was found not guilty. The applicant has served over two-thirds of his minimum sentence to date.

The trial judge is deceased and President Judge, the Honorable W. Russell Carr, was not available for comment to the parole investigator. However, two years ago when this applicant was before the Board Judge Carr was not in favor of clemency. The District Attorney stated to the parole investigator that he would rely upon the decision of the Board.

The prison staff states that this applicant has made a good institutional progress and has a feeling of responsibility. He has proven to be dependable, has earned an Honor Rating and the staff is of the opinion that this is the type of case which is worthy of clemency consideration. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles Norris, No. 8002, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Charles Norris, convicted of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on January 12, 1934, to be computed from January 12, 1934, be commuted from life imprisonment to 24 years, 1 month, expiring on February 12, 1958.

Our reasons for making this recommendation are as follows:

This applicant is fifty-one years of age, he plead not guilty at the trial but from the facts of the case it was apparent that the applicant and the victim were homosexuals, and sexual jealousy was the basic cause of the crime. A fight started in the bedroom of Mr. Norris over the fact that the applicant had brought another man home with him. In the fight, the parties tumbled down the steps from the third floor to the second floor. Each made an attempt to throw the other out of the second-story window. The victim was attempting to throw the applicant out of the window when a woman handed the applicant a knife and the fatal stabbing ensued.

The trial judge, the Honorable Elder W. Marshall recommended favorable consideration. The prison staff states that he is a dependable and trusted worker in the tailor shop and his record is considered excellent. The applicant is not considered a hardened criminal and had a minor record of previous arrests and imprisonments.

He has served over 23 years of life imprisonment and the Board believes that mercy will be extended to this applicant without danger to society. The Board, therefore, recommends his life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William G. Redcay, No. A-1801, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of William G. Redcay, convicted of murder in the first degree in the Court of Oyer and Terminer of Lancaster County on March 15, 1941, to be computed from March 15, 1941 be commuted from life imprisonment to 16 years, 11 months, expiring on February 15, 1958.

Our reasons for making this recommendation are as follows:

The applicant is forty years of age, he plead not guilty to the crime of murder of a young man who was courting his girl friend. The victim would drive past the farm where the applicant resided with his parents and taunt him with the fact that he had his girl friend in his car, and by blowing his horn attract attention of the applicant. One night the applicant drove to an intersection where cars had to stop and when the victim's car stopped, he climbed into the car and beat the victim with a hammer. From the beating, the victim died a short time afterwards.

The applicant has been confined for many years in the penitentiary and has demonstrated to the prison staff unusual stability. His work is exceptional and he is considered to be an outstanding inmate.

The President Judge, the Honorable Joseph B. Wissler advised the parole agent that he is opposed. Likewise, the district attorney of Lancaster County is opposed. The Board in considering the elements involved in the commission of the crime, feel that there were factors of a second degree murder and the jury could have found him guilty of murder in that degree. The crime was one of passion, provoked by the taunts of the victim in stealing his girl friend. The proper parole program will be provided for this young man and he will be under the care of the Parole Board for the rest of his life. The Board, therefore, recommends his life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Rullo, 3663-C, No. A-488, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of William Rullo, convicted of armed robbery, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on July 30, 1947, computed from July 21, 1947, be commuted from 20 years to 10 years, 4 months, expiring on December 21, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until July 21, 1967.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Amos Small, No. 7362, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Amos Small, convicted of murder in the first degree, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on March 1, 1935, computed from March 1, 1935, be commuted from life imprisonment to 22 years, 11 months, 10 days, expiring on February 11, 1958.

Our reasons for making this recommendation are as follows:

The applicant is fifty-two years of age. He was sentenced to life imprisonment in the Eastern State Penitentiary for the crime of murder in the first degree.

The applicant got into a fight in a neighborhood tavern and was severely beaten by the victim. The applicant left the tavern and procured a knife and returned to the vicinity of the tavern and again met the victim. Knives were drawn by each of them and witnesses stated that they saw the applicant chase the victim thru the streets holding a knife in his hand. The victim slipped during the chase and the applicant came upon him and stabbed him to death.

The applicant plead not guilty to the offense but was so adjudged by the jury and received a life sentence. The applicant had a previous record of minor offenses. During his confinement, the staff reports that he has a perfect disciplinary record and that he is a trusted inmate, being permitted to work outside the walls on various details. He has demonstrated habits of thrift and industry and seems to be well-motivated and well-controlled. He has held one work assignment for over 16½ years, and the reports from all departments are very satisfactory.

The trial judge is deceased and Honorable Raymond MacNeille relies upon the Board for their decision. The district attorney's office stated that they were not opposed

to the commutation as it appeared to them to be a worthy case.

The Board, therefore, recommends his life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Amos Smith, No. 8923, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Amos Smith, convicted of murder in the first degree, in the Court of Oyer and Terminer of Allegheny County, on October 26, 1942, to be computed from October 26, 1942, be commuted from life imprisonment to 15 years, 3 months, 20 days, expiring on February 16, 1958.

Our reasons for making this recommendation are as follows:

This applicant is sixty-two years of age, he plead guilty to the crime, which was the killing of an inmate in the Penitentiary. The parties were both imprisoned in the Western State Penitentiary at the time, and the victim had made some remark derogatory to the United States of America. At the time, we were engaged in the Second World War. The applicant procured a knife hidden in the ventilator of his cell and approached the victim in the cell block and stabbed him to death.

The trial judge, the Honorable J. Frank Graff, stated that he had no objection to a commutation. The district attorney likewise stated that he was not opposed to clemency. The penitentiary staff advises the Board that the applicant is a quiet, unassuming and deeply religious man, and well liked in the institution. Since 1923, the applicant has spent his years in prisons throughout New York, Ohio, Virginia and Pennsylvania.

The Board believes that serving such a lengthy time in prison, including over 15 years of this sentence for murder, this man has been sufficiently punished. The Board, therefore, recommends his life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William B. Smith, 3593-D, No. 7727, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due

public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of William B. Smith, convicted of sodomy, in the Court of Oyer and Terminer and Quarter Sessions of Lancaster County, on November 8, 1940, computed from November 4, 1940, be commuted from 20 years to 17 years, 1 month, 16 days, expiring on December 20, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until November 4, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Mary Starky, 1899-C, No. 8849, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Mary Starky, convicted of murder in the first degree, in the Court of Oyer and Terminer of Delaware County on October 10, 1932, be commuted from life to 25 years, 2 months, 10 days, expiring on December 20, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of her adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing her record. But for this action the applicant, because of her sentence, would remain on parole until end of life.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends her for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that she be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of George Stevens, D-9999, No. A-1936, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of George Stevens, convicted of armed robbery; assault and battery; aggravated assault and battery; assault and battery with intent to ravish; indecent assault, in the Court of Oyer and Terminer of Philadelphia County on October 31, 1947, computed from September 25, 1947, be commuted from 12½ years to 10 years, 5 months, expiring on February 25, 1958.

Our reasons for making this recommendation are as follows:

This applicant, who is now thirty-one years of age, plead guilty to attacking a woman near the Henry Avenue bridge in Philadelphia. He was alleged to have knocked her to the ground, and dragged her into the bushes and attempted to rape her. Likewise, he took her wallet containing thirty-seven dollars and injured her sufficiently to require medical treatment.

During the years of his confinement in the penitentiary the staff reports that he has made considerable progress and has improved his mind by taking educational courses and to have generally matured. His prior record was of a minor nature.

The trial judge is deceased and the Board was not advised as to the position of the court. The district attorney's office opposed commutation. The Board, however, feels that this applicant has made good adjustment during his confinement. He was illiterate when admitted and now he is of average mental capacity. The staff believes that he has shown by his progress that he has matured and will be a safe risk if permitted to again live with society.

The applicant has served well over three-fourths of his minimum sentence and the Board believes it is the opportune time for this man to be released, and, therefore, recommends a commutation of his sentence.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Julian Thomas, 2267-A, No. A-4298, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Julian Thomas, convicted of burglary, larceny, receiving stolen goods in the Court of Quarter Sessions of Philadelphia County on April 13, 1948, computed from March 27, 1948 be commuted from 10 years to 9 years, 9 months, expiring on December 27, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after receiving his record.

But for this action the applicant, because of his sentence, would remain on parole until March 27, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Cesare Della Valle, No. 3707, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Cesare Della Valle, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on September 29, 1938 computed from July 19, 1937, be commuted from life imprisonment to 20 years, 7 months, expiring on February 19, 1958.

Our reasons for making this recommendation are as follows:

This applicant is sixty-six years of age and was sentenced by the Oyer and Terminer of Philadelphia County for the crime of murder in the first degree on July 19, 1937. He was sentenced to death but his death penalty was commuted to life imprisonment by the Board of Pardons, on Sept. 29, 1938.

The applicant pled guilty before the court for the killing of a young girl, 16 years of age. The applicant was a friend of the family and was calling at the home of the young girl. There was, prior to the tragedy, a fight and the applicant was told to leave the home and not come back. Evidently the applicant returned because in the early evening the mother of the victim heard pistol shots and found her daughter on the floor fatally shot.

The applicant has been confined in the Eastern State Penitentiary for over 20 years. The staff reports that he has a very good institutional record and has performed his work very well while confined. At present, he is in poor health and his ability to work is thereby limited.

The trial judge, is deceased. However, Judge Eugene Alessandrini wrote the Board that the application is worthy of consideration in view of the many years the applicant has been confined. Likewise, the district attorney's office stated that they were not opposed to the release of the applicant. The Parole Board will check his program and will supervise his activities until his death.

The Board recommends that his life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Felicola Vallelonga, 6748-D, No. 8250, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Felicola Vallelonga, convicted of murder in the first degree in the Court of Oyer and Terminer of Fayette County on October 4, 1939, be commuted from life to 18 years, 2 months, 20 days, expiring on December 24, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until end of life.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Paul B. Weaver, 9795-C, No. 8149, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Paul B. Weaver, convicted of statutory rape in the Court of Quarter Sessions of Centre County on December 13, 1943, computed from October 13, 1943 be commuted from 15 years to 14 yrs. 2 mos. 10 days expiring on December 23, 1957.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until October 13, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Benjamin Yacker, No. A-3434, November Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Benjamin Yacker, convicted of False Pretenses and Fraudulent Conversion in the Court of Quarter Sessions of Philadelphia County, on July 9, 1953 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant was engaged in the business of repairing, altering and storing fur coats. The victim alleged that she had purchased a fur coat and left it in storage during the Summer. When she called for it in the Fall, she alleged that the coat given her was not the coat she purchased.

The applicant plead not guilty but was adjudged guilty and was ordered to make a satisfactory settlement with the victim.

The trial judge, the Honorable Eugene V. Alessandrini, said he would rely upon the Board. Likewise, the District Attorney stated that he would rely upon the Board for any decision.

The applicant had not been involved in any previous offense, and since 1953 has continued to live a law-abiding life. Since his trial he has continued in the fur business and the reports from the parole investigator indicate he is doing a profitable business. The applicant and his wife are the only employees and the store is apparently conducted in good order. The applicant owns his own home and resides with his wife and sons at the residence.

The Board believes that this applicant should receive the clemency of the Commonwealth and, therefore, recommends a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Edward Atkinson, No. A-4342, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum

sentence of John Edward Atkinson, convicted of larceny of auto, and operating auto intoxicated, in the Court of Quarter Sessions of Philadelphia County on January 26, 1956, computed from January 1, 1956 be commuted from 2½ years to 2 years, 2 months, 30 days, expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

It appears that the applicant would take automobiles without consent of the owner and drive them on joy rides and then return the car to the vicinity of the place he had taken it. The police have record that he took about eight or nine such vehicles for pleasure rides. This is his first offense and his sentence was not a severe one.

The trial judge, the Honorable Joseph L. Kun, did not express an opinion as to the merits of this case. The District Attorney of Philadelphia County stated that he was opposed at this time to a commutation. The prison authorities state that he has performed his duties at the prison very well and has not incurred any infractions of the rules.

This is the applicant's first incarceration and the Board believes that the imprisonment he has undergone will have a salutary effect on his future conduct. The applicant will be under probation at the expiration of his maximum sentence for an additional two years. The Board feels that this young man may well have learned his lesson and that his future conduct will be that of a law-abiding citizen.

The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor,
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Marshall Augustine, B-1271, No. A-4359, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Marshall Augustine, convicted of murder in the first degree, in the Court of Oyer and Terminer of Allegheny County on March 15, 1929 be commuted from life imprisonment to 29 years, 15 days expiring on March 30, 1958.

Our reasons for making this recommendation are as follows:

At the trial it was shown that the applicant entered the home of the victim as a result of a prior argument, in order to settle the dispute between them. While in the home of the victim, the argument and fight renewed, and the applicant shot the victim.

The applicant has a long record of minor offenses; gambling, dice-shooting, fighting, but this crime was his first major offense. The applicant has been confined for nearly thirty years and this is his first application for clemency.

During his confinement, he has been a persistent and consistent gambler and this disposition to gamble has interfered with his prison record. Although the prison record of this man is not to be commended the offenses were of a minor nature. He has made some small attempt to improve himself. The Board of Parole will check his parole program and see that the applicant has a proper sponsor, home, and job, if released.

The Board is recommending clemency to this applicant who has spent nearly thirty years in the penitentiary, believing that if released, he will conduct himself as a law-abiding citizen.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor,
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Alex Balog 212-C, No. A-849, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Alex Balog, convicted of assault and battery, with intent to rob, armed robbery, etc., larceny auto, etc., in the Court of Oyer and Terminer and Quarter Sessions of Fayette County on September 26, 1946, computed from July 31, 1946 be commuted from 25 years to 11 years, 5 months, 10 days expiring on January 11, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until July 31, 1971.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor,
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles Bruce Bennett, C-4124, No. A-4377, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles Bruce Bennett, convicted of larceny in the Court of Oyer and Terminer and Quarter Sessions of Venango County on May 31, 1956, computed from May

25, 1956 be commuted from 2 years to 1 year, 10 months, 6 days, expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

The applicant stole brass and iron and then sold it to junkmen. His thefts involved items of value of over \$1300 within a three months' period.

The prison staff reports that as a first offender, he has a very satisfactory institutional record in all respects. He was assigned to the Conservation Camp at Rockview and has demonstrated his maturity and good judgment. The staff unanimously feels that this applicant is a deserving case for clemency.

The trial judge, the Honorable Lee A. McCracken, stated to our parole agent that he felt the application is premature at this time. The District Attorney advised the parole agent he would rely upon the Board for a proper decision in this matter.

The Board, in view of the applicant's excellent prison adjustment, the high rating he has received at the penitentiary and the unanimous opinion of the staff, who are in daily contact with him, is, of the opinion that this man is deserving of clemency. The applicant has served nearly the entire time of his minimum sentence, and the Board, therefore, recommends that his minimum be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Clarence Boyles, 5387-D, No. A-4343, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Clarence Boyles, convicted of rape and prostitution in the Court of Quarter Sessions of Delaware County on March 19, 1945, computed from January 3, 1945 be commuted from 15 years to 13 years, 5 days, expiring on January 8, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until January 3, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.

(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Robert Brown, Sr., C-3052, No. A-4357, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of James Robert Brown, Sr.; convicted of incestuous rape in the Court of Oyer and Terminer and Quarter Sessions of Westmoreland County on February 26, 1953, computed from November 19, 1952 be commuted from 7½ years to 5 years, 4 months, 12 days, expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

The applicant's wife was dead and he was living with his two daughters. He had sexual relations with both of them. He was arrested upon the complaint of a married daughter who had learned of this situation.

The prison staff states that during his incarceration he has made excellent adjustment so that he has been transferred, as a reward for his record, to Rockview. The fact that the applicant is a first offender and he appears to have nurtured sufficient insight that will preclude a repetition of this type of crime.

The trial judge is deceased. The President Judge, the Honorable Richard D. Laird, stated to our parole agent that he is opposed to clemency at this time. The District Attorney wrote the Board: "Since the applicant has served about five years of the minimum of 7½ years, and had no previous criminal record, any action your Board cares to take in this case will be satisfactory to this Office."

The Board believes that this man, who is now fifty-two years old, has realized his mistake and has demonstrated by his adjustment to the prison rehabilitation program that he has gained sufficient insight that would preclude repetition of this type of offense.

The Board believes that this man will not again offend the law of society and he will live as a law-abiding citizen, and the Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of S. Thomas Bulfamonte, No. A-4363, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of S. Thomas Bulfamonte, convicted of em-

bezzlement by agent and fraudulent conversion, in the Court of Quarter Sessions of Montgomery County on May 9, 1956, be commuted from 4 years to 1 year, 10 months, 20 days expiring on March 29, 1958.

Our reasons for making this recommendation are as follows:

The applicant was a practicing attorney at the Montgomery County Bar for about twenty years. He became involved in embezzlement thru the use of money belonging to clients or taking fees to do legal work in behalf of clients and never completing the work. As a result of his sentence, he was disbarred from the practice of law.

At present, he is confined to the Montgomery County Prison and the Warden states that he has conducted himself in a satisfactory manner.

The trial judge, the Honorable William F. Dannehower, stated that he had no objection to a commutation. The Honorable Harold G. Knight, was not a member of the trial court but wrote the Board that he felt that his defalcations arose from the expense involved in keeping his daughter in an institution for incurables. He stated that he never saw a more contrite or more remorseful man than Thomas Bulfamonte. Likewise, the Board received a favorable letter from Justice Michael A. Musmanno. The District Attorney stated that their office had no objection whatsoever, to a commutation.

The Board, therefore, believes that this man who has no previous record became involved in embezzlements and fraudulent conversion because of heavy family expense, has suffered not only the extreme penalty of disbarment from his profession, but is now undergoing a prison sentence. The Board believes that this punishment is more than sufficient to act as a bar in the future misconduct by this applicant.

The Board, therefore, recommends that his maximum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Harry L. Cartledge, No. A-2717, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Harry L. Cartledge, convicted of burglary and larceny in the Court of Quarter Sessions of Delaware County on November 20, 1951, computed from October 18, 1951, be commuted from 7½ years to 6 years, 5 months, 13 days, expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is fifty-four years of age, waited in a tavern until after closing time and then looted the place of money, whiskey, cigarettes, etc. The applicant was also involved in other burglaries and larcenies in the county prior to this offense.

He is presently confined in the Delaware County Prison and it is reported that he has conducted himself in a proper manner. The Board is informed that he is permitted to work outside the prison walls and is doing work for the county of Delaware. He has not violated his trust in any way.

The District Attorney of Delaware County is not opposed to his release and likewise, the trial judge, the Honorable William B. Toal, has written the Board that he is not opposed to his release. The Board has been informed that a proper parole program has been set up for the applicant and that he will be under the guidance and sponsorship of Dr. Joseph DiMedio.

The Board believes that this applicant will conduct himself as a law-abiding citizen if released. He will have served about six and one-half years of his minimum sentence of seven and one-half years, and the Board believes he will conduct himself in the future in a proper manner. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Thomas J. Caulfield, 964-D, No. 4788, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Thomas J. Caulfield, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on May 8, 1929, be commuted from life to 28 years, 8 months, expiring on January 8, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until end of life.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles Conway, 7886-B, No. A-678, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Charles Conway, convicted of attempted robbery, robbery, robbery being armed, etc. in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on June 8, 1938, computed from May 19, 1938 be commuted from 100 years to 19 years 7 months 20 days expiring on January 9, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until May 19, 2038.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of George E. Culbreth, E-6036, No. A-3928, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of George Culbreth, convicted of fraudulently making a written instrument, uttering, etc. in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on December 7, 1955 be commuted from 3 years to 2 years 3 months 24 days expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

It appears that the applicant had blank checks printed in Memphis, Tennessee. He forged names of various state banks and out-of-state firms doing business in this state. It appears that he issued about \$4300 of worthless checks. The applicant was arrested and sentenced by the Federal authorities and after serving two years, he was paroled in August of 1955. He was then arrested and tried by Philadelphia County and sentenced well over two years of his minimum sentence.

The trial judge, the Honorable Theodore L. Reimel, stated that he had no objection to a commutation of the sentence. Likewise, the District Attorney of Philadelphia County expressed no opposition. However, the United States District Attorney thought that the applicant was not improperly sentenced by either the Federal or State Courts.

In a letter directed to the Board of Reverend Clyde H. Cooke, Fort Lee Baptist Church, Richmond, Virginia, he urged favorable consideration of the application in view

of the family situation, particularly Mrs. Culbreth's condition.

The applicant has conducted himself in a satisfactory manner while confined in the Eastern State Penitentiary and the reports indicate his excellent adjustment. The Board recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Donald DeWoehrel, No. A-4385, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Donald DeWoehrel, convicted of contributing to delinquency of a minor in the Court of Quarter Sessions of Allegheny County on December 13, 1956, computed from November 8, 1956 be commuted from 1½ years to 1 year 4 months 20 days expiring on March 28, 1958.

Our reasons for making this recommendation are as follows:

It appears that this young man conspired with a young girl who had been committed to the House of Good Shepherd, Pittsburgh, to leave the home and he to provide a hide-out. The girl was only fifteen years of age at the time and although the applicant and victim lived together in the hide-out, they both denied having intercourse.

The applicant had a minor criminal record but this conviction was his first major offense. The applicant does not have many more months to serve and the County Workhouse Authorities feel that he has behaved himself in a very satisfactory manner and they have no objection to the commutation of his minimum sentence.

The trial judge, the Honorable Robert N. Morris, did not express an opinion as to the merits of the application. The district attorney's office had no objection to a commutation, expressing the thought that for this type of crime the applicant received a rather severe sentence.

A proper parole program has been arranged for this applicant and the Board believes that from this time forth the applicant will live a law-abiding life.

The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Elmer John Dygert, C-3318, No. A-3827, October Session, 1957. (Recommended December 1957 Session)

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Elmer John Dygert, convicted of sodomy in the Court of Oyer and Terminer of Crawford County on February 22, 1954, computed from December 2, 1953 be commuted from 5 years to 4 years, 3 months, 29 days, expiring on March 31, 1958 provided he receives psychiatric treatments.

Our reasons for making this recommendation are as follows:

The applicant confessed to committing the act of sodomy with a boy named McKissick. The victim had been missing from his home and the State Police conducted a search for him and found him in company of the applicant. There is no question of the guilt as the applicant confessed to his crime.

The trial judge, the Honorable Herbert A. Mook, stated to the parole agent that he was opposed to a commutation. The District Attorney wrote that the applicant should serve his minimum sentence.

The Board made inquiry of the penitentiary as to his mental condition. We are in receipt of a letter from the Parole Board, after investigating this case, that the applicant is serving his first sentence for this offense. He is a man above average intelligence; and is diagnosed as having a characterological problem with sexual perversion and homosexual passive. It is not indicated that he would, upon his own volition, attempt to seek psychiatric help. The Board of Parole further assures the Board that if the commutation stipulates psychiatric treatments upon release, that Board will insist that definite arrangements be made for this treatment prior to the actual release on parole.

The applicant will have served almost his minimum sentence. The Board is of the opinion that if the applicant is released now, the parole should specifically include continuing psychiatric treatments, as the Board of Parole has the authority to insist upon such treatment, and the Board, therefore, so recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Frederick George Fahrion, C-1105, No. A-4360, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Frederick George Fahrion, convicted of statutory rape and sodomy in the Court of Oyer and Terminer of Allegheny County on April 25, 1949, computed from March 14, 1949 be commuted from 15 years to 9 years, 17 days, expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

The applicant was adjudged of having intercourse with his daughters over a number of years. These children were under sixteen years of age. He also committed sodomy with one of the girls.

The trial judge, the Honorable Henry X. O'Brien, did not express any opinion as to the merits of the case. The District Attorney of Allegheny County stated they were not opposed.

The institution reports this is his first imprisonment, and he has affected a good institutional adjustment. However, he has been hospitalized for several months following a stroke.

The Board is in receipt of numerous letters from members of his family, setting forth the condition of the applicant, and the interest which the family has in his rehabilitation.

The Board believes that a man of his years and the condition of his health, that he will not again offend the laws of society. His family stated that they will take an interest in him and see that proper care and attention is bestowed. The Board of Parole will check his parole program and will give him supervision for the remainder of his days.

The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Michael Fera, No. A-2716, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that James Michael Fera, convicted of voluntary manslaughter in the Court of Oyer and Terminer of Allegheny County, on March 29, 1946 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to attacking the owner of a restaurant. It appears that the applicant and three or four other young men entered the restaurant and caused a disturbance because of the loss of an overcoat, by one of the group. The victim was severely assaulted which resulted in his death.

The applicant was released from the Pennsylvania Industrial School in May of 1947 and was discharged from parole supervision in July of 1950. Since his release from the school, he has conducted himself as a law-abiding citizen and has committed no offense of any nature. At present, he is a structural steel worker and belongs to the local union. The applicant is married and lives in a comfortable home with his family.

The trial judge, the Honorable William McNaugher, states that he has no objection to the granting of a pardon. Likewise, the District Attorney of Allegheny County stated that he had no objection to the granting of a pardon.

The Board is informed that the applicant is Vice-President of the Local Union No. 3 and he is desirous of advancing himself in union affairs. It was stated that this only offense of the applicant's, would probably be a bar to his advancement in the Union.

The Board believes that this young man has proved to

be a capable and law-abiding citizen, and therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Robert R. Frye, B-4417, No. 8133, September Session, 1957. (Recommended December 1957 Session)

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Robert R. Frye, convicted of murder in the first degree in the Court of Oyer and Terminer of Westmoreland County on December 31, 1934 be commuted from life imprisonment to 23 years, 3 months, expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

It appears that the applicant was living with a family where he had been quite generous in purchasing food and clothing for various members. One day he was ordered out of the house and in his rage and anger he attempted suicide by stabbing himself. When the victim tried to stop him he stabbed her, mortally wounding her. He also stabbed the victim's sister several times, but her wounds were not fatal.

The trial judge is deceased but the Board was advised by the President Judge, the Honorable Richard D. Laird, that this application should be refused. The district attorney of Westmoreland County likewise expressed his opposition to granting commutation.

The prison staff states that this applicant, who has served over twenty-two years of his life sentence, has maintained a generally good conduct record as well as a good work record. He has been frugal and thrifty and has saved a considerable sum of money. His crime seems to reflect his basic maladjustment rather than criminal inclinations. The Board requested that the psychiatrist of the institution examine the applicant carefully and Dr. James L. Baker reported to the Board in October that the applicant appears to be an extremely guarded individual in his speech, who despite his seclusiveness, is able to verbalize well. Dr. Baker further stated the applicant has a paranoid flavor to his personality but has no major psychosis or neurosis.

The Board feels that this applicant has been stabilized and rehabilitated and there is little likelihood that he will validate the laws of society in the future, and recommends his life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Salvatore Fugarino, 7371-C, No. 6742, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Salvatore Fugarino, convicted of larceny of auto tags; burglary, entering to steal in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on March 23, 1939, computed from March 8, 1939 be commuted from 43 years to 18 years, 10 months, expiring on January 8, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until September 8, 1980.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the Maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Franklin George, E-7078, No. A-4347, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of James Franklin George, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Monroe County on December 13, 1956 be commuted from 2 years to 1 year, 3 months, 18 days, expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

The applicant, together with three accomplices, broke into several dwellings in Monroe County, stealing various items of merchandise. The group all pled guilty.

The prison staff states that he is serving his first imprisonment for any crime and he is using every opportunity to improve his vocational skills. They further state that any further confinement will have no useful purpose.

The trial judge, the Honorable Fred W. Davis, stated to our parole agent that he would leave the matter of clemency to the discretion of the Board of Pardons. Likewise, the District Attorney stated to the parole agent that

he would reply upon the discretion of the Board in this matter.

The applicant has served over one-half of his minimum sentence. In view of his rehabilitation and his prior good reputation in the community, and also the parole program that has been set up for him, the Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Anthony Gesualdi, D-6443, No. A-1927, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Anthony Gesualdi, convicted of murder in the first degree, in the Court of Oyer and Terminer of Philadelphia County on April 22, 1942, computed from January 19, 1942, be commuted from life imprisonment to 16 years, 2 months, 12 days expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

It appears that the applicant, together with two accomplices, held up a tavern. The applicant and one of the accomplices each had a revolver. The applicant shot a patron, who had grabbed him at the bar, and in the tussle the patron was fatally shot.

During the applicant's confinement, the prison authorities report that he has established an excellent institutional record and has been commended highly by the officials and the personnel of the institution. He has become a skilled barber and conducts the barber school in the institution.

The trial judge, the Honorable Francis Brown, Jr., is still of the opinion that the application should be refused. The District Attorney of Philadelphia is not opposed. Likewise, the former Assistant District Attorney, Victor Wright, has written the Board of his personal acquaintances with the applicant and the very favorable impression he made upon him. There appeared before the Board, Walter Tees, former Warden of the Eastern State Penitentiary, and William Conely, former Chief of the Detective Bureau of Philadelphia, in behalf of the applicant. Both of these gentlemen know the applicant and spoke of his exceptional rehabilitation.

The application of Mr. Gesualdi has been studied by the Board very carefully in view of the crime which he committed, and the Board is of the opinion that an individual who has received the recommendation of present and former officials in the penitentiary and police force is worthy of consideration.

The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.

(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Aaron M. Gore, D-9528, No. A-1474, October Session, 1957. (Recommended December 1957 Session).

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Aaron M. Gore, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on March 19, 1947, computed from December 25, 1946, be commuted from life imprisonment to a minimum term of 11 years, 3 months, 6 days, expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

This applicant, and a young accomplice, stole his father's revolver and started to hitchhike to Florida. They were stopped by a policeman who inquired as to their reason for being on the streets of Philadelphia at such a late hour. The policeman asked them to accompany him to the police station so he could talk further to them. On the way, the applicant dropped behind the policeman, drew his gun and as the officer whirled around in the ensuing struggle, the gun was discharged and the officer fatally shot. The boys fled the scene but were subsequently arrested and tried for murder. The accomplice was sentenced on a second degree murder charge to the Pennsylvania Industrial School and was released on parole in September of 1951. The applicant was sentenced to life imprisonment for the crime of murder in the first degree.

The district attorney felt that this was not the opportune time for release and was, therefore, opposed. The trial judges, consisting of the Honorable Raymond MacNeille, Byron A. Milner and John A. Mawhinney, heard the testimony. In a letter from Judge Milner he stated he had no objection to the release of the applicant if in the opinion of the Board it was safe to return him to society.

The Board has a letter from Dr. Philip Roche, a psychiatrist who examined the applicant during the summer of 1957 stating: " * * * I felt satisfied that he had a good capacity for loyalty * * * , has achieved an emotional growth and maturity consistent with his age level. * * * . From the overall assessment of his background and behavior patterns both before the offense and during incarceration, I would regard his release risk as remote from the standpoint of repetition of his crime. I doubt that crime-wise we will hear from him again."

The prison staff states he has maintained and established an unblemished record, and has made progress in the educational area, and has a healthy personality.

The Board is of the opinion that this applicant has rehabilitated and adjusted himself so that he will no longer commit any offense against society, and therefore, recommends his life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
DISQUALIFIED
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Orville Hallman, 7493-B, No. A-1004, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Orville Hallman, convicted of burglary in the Court of Quarter Sessions of Clearfield County, on October 9, 1950, computed August 28, 1950, be commuted from 8 years to 7 years, 4 months, 10 days, expiring on January 8, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until August 28, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Walter Hammond, 8792-C, No. A-4332, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Walter Hammond, convicted of robbery, breaking and entering; larceny, in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on June 14, 1939, computed from July 7, 1939, later changed to May 7, 1941, be commuted from 20 years to 16 years, 8 months, expiring on January 7, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until May 7, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William A. Harris, B-8451, No. A-1261, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of William A. Harris, convicted of murder in the Court of Oyer and Terminer of Allegheny County on January 8, 1943 be commuted from life imprisonment to 15 years 2 months 20 days expiring on March 28, 1958.

Our reasons for making this recommendation are as follows:

The applicant was convicted for the crime of murder which was alleged to have occurred late in the evening in Pittsburgh. The victim was picked up in a conscious condition and rushed to the hospital. The applicant is a negro, and, although witnesses at the trial indicated that a negro committed the crime, the dying declaration of the victim indicated that a white man shot him. This crime was committed in 1925 but the victim was not arrested until 1942 in California.

This applicant for almost twenty years, was a resident of California. While living in that state, he committed no offenses whatsoever. For the past fifteen years, he has been confined to the Western State Penitentiary and later, transferred to Rockview. The institutional staff reports that he has conducted himself in a very excellent manner and has compiled a very satisfactory institutional record. It is the unanimous opinion of the staff that this is the best time for favorable consideration of release.

The trial judge, the Honorable J. Frank Graff, stated that he would be satisfied with any decision that the Board may reach in this matter. The district attorney's office stated that they felt that a commutation at this time is a bit premature.

The Board is recommending a commutation of this sentence, believing that a man who has conducted himself without an offense and then found guilty upon statements which are open to question as to the color of the assailant and who has, during his confinement, maintained an excellent record, is deserving of clemency. The Board recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Robert D. Heineman, D-4943, No. A-952, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due

public notice, in open session, the undersigned members of the Board of Pardons recommend that the Life sentence of Robert D. Heineman, convicted of Murder in the First Degree in the Court of Oyer and Terminer of Montgomery County on May 24, 1940 be commuted from life imprisonment to 17 years 10 months 7 days expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

The applicant was a member of the junior class in the Abington High School, and he was in love with a high school girl, a member of his class. He became extremely jealous because she went with other boys. One evening, he went to her home, stepped on the porch and saw her reading in the living room. He drew his revolver and fatally shot her.

The applicant is as fully rehabilitated as any person could possibly be. The penitentiary staff reports that he has an outstanding record of prison adjustment. He has established and maintained an unblemished disciplinary record. He has actively entered the treatment program in the institution and has applied its benefits. He is now Editor of the penitentiary magazine, The Eastern Echo, one of the finest publications of any penal institution in the country.

At the hearing before the Board, the Trial Judge, the Honorable Harold G. Knight, wrote that he had no objection to leniency if the Board feels it is so warranted. The district attorney's office stated they had no objection to the commutation of the sentence. Present at the hearing before the Board were Judge Curtis Bok, of Philadelphia County, and Dr. N. K. Teeters, Professor of Criminology at Temple University, and each spoke highly on behalf of the applicant.

The record of this young man at the Eastern State Penitentiary is remarkable and there is no doubt that he is fully rehabilitated. Upon his release he is assured of employment with the American Friends Service Committee and he has the sponsorship of distinguished persons of Philadelphia.

The Board has received letters of protest from the family of the deceased girl, but this young man has been so outstanding in his rehabilitation that the Board is persuaded that further incarceration would serve no useful purpose.

This was the applicant's first offense and the Board is persuaded beyond reasonable doubt that this will be his last offense. He can be safely released to society and he has before him years of useful employment. There is every possibility that with the fine mind that he possesses, he will contribute something of a definite character to society. The Board, therefore, recommends his life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Albert Henry, 6802-C, No. 6598, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Albert Henry, convicted of robbery; larceny and robbery in the Court of Oyer and Terminer

and Quarter Sessions of Philadelphia County on August 4, 1939, computed from April 3, 1939 be commuted from 20 years to 18 years 9 months 10 days expiring on January 13, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until April 3, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Harold Hildebrandt, 6704-B, No. A-1098, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Harold Hildebrandt, convicted of burglary and larceny in the Court of Quarter Sessions of Northampton County on April 19, 1950, computed from January 29, 1950 be commuted from 10 years to 7 years 11 months 10 days expiring on January 9, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until January 29, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles Jenkins, 9289-A, No. 6960, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Charles Jenkins, convicted of burglary, receiving stolen goods in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on May 22, 1942, computed from April 17, 1942 be commuted from 20 years to 15 years 9 months expiring on January 17, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until April 17, 1962.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Pardons recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Kelley, 8275-C, No. 746, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Joseph Kelley, convicted of murder in the first degree in the Court of Oyer and Terminer of Philadelphia County on November 19, 1931, computed from November 19, 1931 be commuted from life to 15 years 11 months expiring on January 17, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until end of life.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Henry V. Kmiec, C-3658, No. A-2772, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Henry V. Kmiec, convicted of murder in the second degree in the Court of Oyer and Terminer of Allegheny County on September 15, 1948, computed from January 24, 1955, be commuted from 6 years to 3 years, 2 months, 7 days expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

The applicant pled guilty to the offense of murder in the second degree. It was shown that he and two accomplices were arrested while robbing a dwelling house. When the robbers were discovered by the police, who arrested two of the accomplices, one of them produced a gun and shot and killed the policeman. The applicant was acting as a look-out and fled the scene of the crime when the police arrived. He did not participate in the shooting.

The applicant was sentenced in April of 1948 for the crime of burglary, for from eight to sixteen years. His sentence for burglary was commuted in December of 1954 so as to enter on the murder sentence. The applicant has spent approximately ten years in the Western State Penitentiary.

The prison authorities state he is performing a job that involves considerable trust and stability. He has considerably improved in personal attitude and has stabilized himself. The prison staff recommends unanimously that favorable consideration for clemency be given.

The trial judge, the Honorable J. Frank Graff, stated that he would rely upon the Board for any decision they may reach. Likewise, the District Attorney stated that he did not oppose clemency.

The Board, therefore, recommends that this man, who has served ten years of a prison sentence and has demonstrated his rehabilitation, is deserving of clemency at this time, and the Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Clyde Kuhn 5344-C, No. 8554, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due

public notice, in open session, the undersigned members of the Board of Pardons recommended that the minimum sentence of Clyde Kuhn, convicted of solicitation of sodomy; sodomy, in the Court of Quarter Sessions of Westmoreland County on February 15, 1942, computed from January 13, 1943, be commuted from 20 years to 15 years expiring on January 13, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until January 13, 1963.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Richard Patrick LeRoy D-6736, No. A-4243, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Richard Patrick LeRoy, convicted of murder in the first degree, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on September 29, 1942 be commuted from life imprisonment to 15 years, 6 months, expiring on March 29, 1958.

Our reasons for making this recommendation are as follows:

The applicant at the time of the commission of this crime was a sailor on leave. He met his victim, a young woman, in an Arch Street Bar. During the evening they had several arguments but they rented a room on Sixteenth Street. While in the room, the applicant renewed the argument and subsequently he choked the victim to death. The applicant fled the jurisdiction and was arrested about a year later and returned to Philadelphia for trial, at which time he plead guilty.

The institution reports that the applicant has followed a rehabilitation program and has responded in an excellent manner. He has undergone an outstanding change in personality and has become mature and stable.

The trial judge, the Honorable L. Stauffer Oliver, states that he has no objection to a commutation of the sentence. Likewise, the district attorney's office of Philadelphia County is not opposed to a commutation.

The Board believes that this young man who has such a fine prison record and is now holding a trusted position in the institution, is deserving of clemency, and the Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Dale Leshner, C-1111, No. A-2939, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Dale Leshner, convicted of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on March 29, 1949, computed from August 20, 1948, be commuted from life imprisonment to 9 years, 7 months, 11 days, expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

It appears that the applicant and his accomplice visited a man, aged seventy-four. All of the group were drinking and in the course of the visit, the victim and the applicant got into a fight. The victim was severely beaten, causing his death. The applicant fled to Maryland but was arrested within a few days. This offense was the first major conviction of the applicant. His accomplice, who received a similar sentence of life imprisonment, is now in the Farview State Hospital.

The institution reports that he has improved himself considerably and has taken advantage of the educational courses at the institution. He is a licensed barber and also a shoe repairman. They state that he does not appear to be a hardened or aggressive individual.

The trial judge, the Honorable J. Frank Graff, wrote the Board that he would be satisfied with any decision they may reach in this case. The District Attorney of Allegheny County is not opposed.

The applicant has served nearly ten years of a life sentence and the Board believes that there were many elements of a second degree murder charge because the killing resulted from a drunken brawl; and if so, the applicant will have served the minimum sentence for that offense.

The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph H. Lightcap, C-3834, No. A-4362, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum

sentence of Joseph H. Lightcap, convicted of voluntary manslaughter in the Court of Oyer and Terminer and Quarter Sessions of Westmoreland County on June 28, 1955, computed from October 25, 1954, be commuted from 6 years to 4 years, expiring on October 25, 1958.

Our reasons for making this recommendation are as follows:

The applicant was sleeping in his home when his step-mother came into his bedroom. She jerked him out of bed and started to beat him, knocking him across the room into his father's bedroom. There was a rifle in this room and he picked it up to scare her, whereupon the rifle discharged and killed her.

The institution reports that he has established an excellent institutional adjustment. His conduct record is clear and he shows initiative and interest in his job in the metal shop. He has completed his high school course and is now studying trade courses in the correspondence school.

The trial judge, the Honorable Edward G. Bauer, stated that whatever action the Board may take would be agreeable to him. The District Attorney stated: "Any action your Board cares to take in this matter will be satisfactory to this office."

The Board believes that this young man, who is serving imprisonment for his first major offense, and who has demonstrated during his incarceration habits of thrift and industry, together with very evident efforts to improve himself educationally, is deserving of clemency.

The Board believes that if released, he will not again offend the laws of society, and recommends, therefore, that he be released when he has served four years of his minimum sentence.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Carl Lucas, 415-D, No. 4184, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Carl Lucas, convicted of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on October 19, 1928, be commuted from life imprisonment to 29 years, 2 months, 20 days, expiring on January 9, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until end of life.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles McDowell, No. A-1739, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Charles McDowell, convicted of burglary, larceny, receiving stolen goods, in the Court of Oyer and Terminer of Philadelphia County, on April 2, 1952 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant, who is now twenty-six years of age, was a member of a gang of boys who engaged in a series of burglaries and larcenies in the Fall of 1951. There were ten boys in this gang, some younger than the applicant, who was then nineteen years of age, and some older.

The applicant was released from the Philadelphia County Prison, to which he was sentenced, when his sentence was commuted by the Board of Pardons at the December 1953 Session. Since his release he has adjusted very well under parole supervision and he was finally discharged from supervision in March of 1956.

The trial judge, the Honorable Eugene V. Alessandroni, stated that this application was one for the discretion of the Board. The district attorney offered no objection to the granting of a pardon.

At present, the applicant is employed as a counterman in a restaurant. However, he is taking courses in night school to become a refrigeration repairman. It is his intention to open his own establishment and he will require a bond for his contemplated business affairs, and, therefore, will require a clean record.

The Board is satisfied that this young man will no longer offend against society and believes that he will be a credit to his community and the Board, therefore, in order to assist him in his business, recommends a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Russell Moore, E-1149, No. A-1706, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommend that the minimum sentence of Russell Moore, convicted of armed robbery in the Court of Quarter Sessions of Philadelphia County on June 23, 1949, computed from May 29, 1949, be commuted from 10 years to 8 years, 10 months, 2 days expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

The applicant and three accomplices attempted to rob a theatre. The guard at the theatre engaged in a gun battle with the robbers in which the applicant was shot in the leg and the accomplice wounded in the stomach. In the commission of the robbery, the applicant acted as look-out and although a member of the group, he did not actually engage in the hold-up.

The prison authorities report that during his imprisonment he has shown increased maturity and his attempts at self-improvement has proved satisfactory. He has completed a course in auto mechanics and received a diploma. The staff strongly recommends clemency.

The trial judge, the Honorable Eugene V. Alessandrini, is not in favor of a commutation. Likewise, the District Attorney was not in favor of a commutation.

The Board, however, has a letter from the Honorable Francis Van Dusen, Judge of the United States District Court, recommending favorable consideration as he feels that this is a worthy case.

This man has a strong family relationship, which will be of assistance in rehabilitation, as the family will give him every help and encouragement.

The applicant has served almost eight years of his ten year minimum and the Board believes that this applicant will prove to be a law-abiding citizen. The Board recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Toney Moreno, 6963-B, No. A-4329, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Toney Moreno, convicted of statutory rape, in the Court of Oyer and Terminer of Westmoreland County on May 24, 1950, computed from May 23, 1950, be commuted from 15 years to 7 years, 7 months, 20 days, expiring on January 13, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until May 23, 1965.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Anthony Napoli, D-8244, No. 9852, October Session, 1957. (Recommended December 1957 Session)

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Anthony Napoli, convicted of murder in the first degree in the Court of Oyer and Terminer of Philadelphia County on April 23, 1945, computed from May 23, 1944 be commuted from life imprisonment to 13 years, 10 months, 8 days, expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

The applicant and two accomplices were coming out of a tavern when they bumped into a negro man. A dispute arose, and vile and vulgar names were exchanged. The negro proceeded on his way and the applicant, together with his companions, followed the negro in an automobile. One of the accomplices, Anthony Vitale, got out of the automobile, assaulted the negro by striking him down with a crank handle and then stabbing him to death with a knife. The applicant is alleged to have remained in the automobile while this murder occurred.

The trial judge, the Honorable L. Stauffer Oliver, stated that he had no objection to a commutation provided the applicant's conduct in prison gives adequate evidence of rehabilitation. The prosecuting attorney of this case was the Honorable Emanuel Beloff, now a Judge of the Court of Common Pleas of Philadelphia County, and he states in a letter of September 17, 1956, he was of the opinion that defendants were equally guilty in the eyes of the law and whatever consideration he extended to one should be extended to the others. Anthony Vitale actually stabbed the victim to death and was granted a commutation of his sentence by the Board at its November Session, 1954. This applicant who did not actually commit the crime, but was implicated with the group, has served well over 13 years of a life sentence. There are elements of a second degree murder that may well be considered in this case, and may have been considered by the previous Board.

The institution staff states that his conduct is satisfactory and he is an average inmate. The Board believes that this man, who has served a long time and has reached an age that he will no longer consider violating the law, will live a law-abiding life, and the Board, therefore, recommends his life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Ott, 5105-B, No. A-4328, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Joseph Ott, convicted of sodomy, assault and battery, indecent assault, open lewdness, public indecency in the Court of Oyer and Terminer and Quarter Sessions of Montgomery County on July 1, 1949, computed from June 14, 1949 be commuted from 10 years to 8 years, 7 months, expiring on January 14, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until June 14, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Petras, B-8139, No. A-2419, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Joseph Petras, convicted of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on April 21, 1942 be commuted from life imprisonment to 15 years, 11 months, 10 days, expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

The applicant and two accomplices held up a tavern and in the course of the hold-up, the applicant leaned over the bar and fatally shot the victim. The two accomplices received life sentences. However, one of them has since died.

The institutional staff reports that the applicant has a very good institutional record and has proven to be a steady, dependable person. He has shown traits of self-improvement, maturity and insight. The staff states that as a first offender, it is felt that this may be the best time for favorable clemency consideration.

The trial judge, the Honorable J. Frank Graff, stated that he would rely upon the Board for any decision which they may make. The Honorable W. H. McNaughton stated that he was opposed to a commutation. The District Attorney of Allegheny, likewise, expressed opposition to a commutation.

The applicant has a barber's license and is employed in the Officer's barber shop of the institution. The Board of Parole will check his parole program and supervise the applicant upon his release.

The Board is of the opinion that this man, who committed a serious crime as a first offender, has demonstrated ability to conform to the rules of society and if released, the Board expresses every confidence that he will live a law-abiding life.

The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Frank B. Poole, C-2426, No. A-4361, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Frank B. Poole, convicted of murder in the second degree in the Court of Oyer and Terminer of Fayette County on November 21, 1951, computed from April 22, 1951, be commuted from 10 years to 6 years, 11 months, 9 days, expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

The applicant pled guilty to assaulting his wife with a knife, causing her death from loss of blood. The wife was a diabetic and the cuts on the arm and on the back, although not too severe, caused a hemorrhage due to her condition.

The trial judge, the Honorable Vance Cottom, is deceased, but the Honorable W. Russell Carr advised the Parole Investigator that he has no objection to the granting of clemency in this case. The District Attorney stated that he would leave the matter of clemency to the discretion of the Board. The prison staff states that his adjustment has been satisfactory in every way and his present attitude is quite favorable.

A parole program will be set up for this applicant if released, and he will be under the supervision of the Board of Parole for some years to come. This applicant had no previous arrests or convictions and his reputation in his community had been very good. The applicant has served over two-thirds of his minimum sentence and the Board believes he has been sufficiently rehabilitated and can be safely released to society.

The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Ronald E. Proffitt, E-7390, No. A-4379, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Ronald E. Proffitt, convicted of rape in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on April 27, 1957, computed from January 5, 1957, be commuted from 1½ years to 1 year, 2 months, 26 days, expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is twenty-five years of age, pled not guilty to attacking a woman companion he had met in the bar of the Eddystone Hotel, Chester. The crime was committed, it was alleged, while the applicant and his victim were riding about town in an automobile, accompanied by two other persons.

The prison staff states that he has been there a very short time but has demonstrated a capacity for adjustment. The District Attorney does not oppose the granting of a commutation. The trial judge, the Honorable Arthur P. Bretherick, did not write the Board as to his opinion of the merits of the application.

This was the applicant's first arrest and conviction for any type of crime. The Board has a communication from one of the witnesses involved indicating his testimony would have been valuable on behalf of the applicant. However, this witness was not called to the stand by the District Attorney during the trial. The applicant has always contended that he was innocent of this offense. At the hearing before the Board it was shown his family have stood by him; and his wife, who was present at the hearing, indicated her faith in her husband.

The applicant has served well over three-quarters of his sentence and the Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Saverino J. Randazzo, No. A-3923, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Saverino J. Randazzo, convicted of cheating by false pretense (worthless checks) in the Court of Quarter Sessions of Delaware County on June 15, 1955, computed from May 26, 1955, be commuted from 7 years to 3 years, expiring on May 26, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is forty-four years of age, was a contractor in Delaware County. He accepted down payments from various persons under contracts to erect garages. At the time he made these contracts and accepted down payments, he was involved in certain other transac-

tions in which he placed the down payment money, and he failed to carry out the contracts. The applicant pled guilty to the charge of cheating by false pretense.

The warden of the Delaware County Prison reports that the applicant has conducted himself in a proper manner during his confinement.

The trial judge, the Honorable Arthur P. Bretherick, did not respond to our inquiry as to the merits of this application. The district attorney advised the Board that he had no objection to applicant's commutation after he served three full years of his minimum sentence.

The sentence the applicant received was rather a severe one for this offense and the opinion was expressed that he has been sufficiently punished, and he will not again violate the law.

The Board, therefore recommends that the sentence of this applicant be commuted when he has served three full years of his minimum sentence.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Abraham Robinson, D-6331, No. A-2795, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Abraham Robinson, convicted of murder in the first degree, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on February 26, 1942, computed from November 3, 1941, be commuted from life imprisonment to 16 years, 4 months, 28 days, expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

The facts of the crime are that the applicant got into a fight at a party over the victim dancing with his girl. In the course of the fight, the applicant was backed into a corner by the victim, who was drawing a knife on him. The applicant then shot the victim, firing several shots. The victim still had the knife in his hand as he lay dead on the floor.

The trial judge, the Honorable Joseph Kun, is not in favor of a commutation. The District Attorney stated that their office was not opposed. The Board has in its file a sworn statement of an eye witness to this fatal shooting.

The institutional staff states that this man has shown excellent adjustment and by his conduct has earned a transfer to a minimum security institution, to wit, Rockview. They recommend a favorable consideration of this application for clemency.

A review of the facts of this crime indicate that there were elements of second degree murder and the applicant well could have been sentenced for the crime of murder, in the second degree. If such had been the case, he would have served only a ten year minimum.

The applicant has now served over sixteen years of a life sentence. The Board believes that this man has been fully rehabilitated and will not again violate the law of the Commonwealth.

The Board, therefore, recommends a commutation of his sentence.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Michael Romolini 5084-B, No. A-1013, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Michael Romolini, convicted of assault and battery; aggravated assault and battery to kill, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on June 27, 1949, computed from June 13, 1949 be commuted from 15 years to 8 years, 7 months expiring on January 13, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until June 13, 1964.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Russell, D-7101, No. A-3343, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William Russell, convicted of burglary, larceny, receiving stolen goods, in the Court of Oyer and Terminer of Philadelphia County on April 21, 1943, computed from April 12, 1943, be commuted from 15 years, 6 days to 14 years, 11 months, 19 days expiring on March 31, 1958 (plus 6 days) and recommend that the minimum sentences of William Russell, convicted of a prison breach, and assault with intent to kill, committing crime of

violence while armed, in the Court of Oyer and Terminer, of Philadelphia County on September 7, 1945, to be served consecutively and concurrently, be commuted from 5 years to 1 day, expiring on April 1, 1958, and recommend that the maximum sentence of William Russell, convicted of carrying concealed deadly weapon, in the Court of Oyer and Terminer of Philadelphia County on September 7, 1945, to be served consecutively, be commuted from 3 years to 1 day expiring on April 2, 1958, and recommend that the maximum sentence of William Russell, convicted of larceny of automobile, and receiving stolen goods in the Court of Quarter Sessions of Philadelphia County on February 16, 1937 be commuted from 10 years to 1 day expiring on April 3, 1958.

Our reasons for making this recommendation are as follows:

This applicant, while involved in a robbery, with accomplices, engaged in a gun battle with the police. While confined in the penitentiary he escaped but was quickly arrested, and was given an additional sentence of six days.

The trial judge, the Honorable Joseph Kun, called to the attention of the Board the criminal record but did not express definite opposition to a commutation. The district attorney is not opposed as the applicant has been well rehabilitated.

During the past fourteen and one-half years the applicant has been confined since his escape he has conducted himself in a satisfactory manner and has earned the commendation of the institutional staff.

The Board, believing that the applicant will not again offend against society, and that he will conduct himself in a satisfactory manner in the future, recommends that his sentences be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Schilling, 6885-C, No. 9697, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of William Schilling, convicted of burglary, receiving stolen goods and conspiracy in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on June 18, 1943, computed from June 10, 1943 be commuted from 20 years to 14 years 7 months expiring on January 10, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until June 10, 1963.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In reapplication of Isiah Smith, D-5470, No. 9217, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Isiah Smith, convicted of armed to rob, etc. in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on January 3, 1941, computed from December 31, 1940 be commuted from 50 years to 17 years 3 months expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

It appears that the applicant, together with four accomplices, burglarized and robbed approximately forty-eight dwellings and apartments, in Philadelphia, stealing jewelry, clothing and money. In the commission of these crimes, all were armed with a revolver. In addition, the applicant committed assault and battery, rape and attempted rape. In all, there were about sixty-nine bills or indictments to which he pled guilty. All the accomplices have been released and from all accounts, they have all become law-abiding citizens. The applicant has served over seventeen years of his sentence.

The institution reports that the applicant has demonstrated habits of thrift and industry; a capacity to conform to the rules and regulations; and has matured a great deal within the last years.

The trial judge, the Honorable Joseph L. Kun, has no information on the case that would help the Board. The district attorneys' office is opposed to release at this time as it was felt the application was premature.

The Board believes that this applicant, although guilty of atrocious crimes, has been so rehabilitated that he will, if released, conduct himself in a proper manner. He has a good parole program and will be under the supervision of the Board of Parole for many years to come. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Jay Floyd Smith, C-3854, No. A-3689, October Session, 1957 (Recommended December 1957 Session).

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Jay Floyd Smith, convicted of sodomy in the Court of Oyer and Terminer of Crawford County on August 1, 1955, computed from March 3, 1955, be commuted from 3½ years to 3 years 28 days, expiring on March 31, 1958, provided he receives psychiatric treatments.

Our reasons for making this recommendation are as follows:

This applicant is twenty-seven years of age. He was sentenced for the crime of sodomy, and it was indicated at the trial that he had committed this offense many times, over a period of years, with a large number of juveniles living in Meadville. A total of twenty-five men and boys were involved with him in these offenses. Before his trial, he was examined at the Warren State Hospital and found legally sane, but diagnosed as a sociopathic personality.

The trial judge, the Honorable Herbert A. Mook, states that he would recommend commutation as he believes that under proper supervision the applicant would be a good parole risk. The ex-District Attorney, Raymond P. Shafer, who conducted the trial of the defendant, wrote the Board as he feels a release of the applicant would be proper. The present District Attorney of Crawford County, P. Richard Thomas, writes the Board that he has no objection.

The prison staff states that the conduct of the applicant has been satisfactory and that he has demonstrated generally a good overall adjustment. The Board of Parole writes the Board of Pardons that, from their investigation of the case, they feel this applicant likely would be amenable to psychiatric treatments. The Board of Parole is willing to accept a stipulation that psychiatric treatments be included in his release agreement and that Board would supervise his continuance as a patient by a competent psychiatrist.

The Board is of the opinion that this applicant, who comes from a good home and whose parents are willing to assume the financial responsibility for these treatments, should be released to society with a stipulation in his parole agreement that he continue psychiatric treatments for this disease until he is discharged by a competent physician. The Board, therefore, so recommends.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Marvin Smith, No. A-3857, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Marvin Smith, convicted of burglary, assault and battery in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on April 28, 1954 be pardoned.

Our reasons for making this recommendation are as follows:

The facts of this crime are, briefly, that the applicant, while intoxicated, entered an apartment. The Court did not give him a prison sentence but placed him on probation with the suggestion that he return to his home in

San Francisco. The apartment entered was not his own. The trial judge, the Honorable A. A. Nelson, stated to our Parole Agent that he would have no objection to the granting of a pardon. Likewise, the district attorney's office stated that they have no objection. The Board is in receipt of a letter from the Honorable Twain Michelson, of the Supreme Court of California, recommending that this applicant receive a pardon.

The young man has improved himself by study in the Electronic's field. The Board is in receipt of a letter from Dr. John Strickler, a psychiatrist, stating that a pardon would materially improve and help this young man and states that the greatest medicine for Marvin Smith would be a complete pardon.

The Board, therefore, recommends that this young man, who has conducted himself in a satisfactory manner and has received a recommendation from judges and doctors urging that clemency be shown, be granted a pardon.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Daniel Snyder, 793-D, No. 2431, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Daniel Snyder, convicted of murder in the first degree in the Court of Oyer and Terminer of Cambria County on October 27, 1930 be commuted from life to 27 years 2 months 10 days expiring on January 7, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until end of life.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Taylor W. Sodie, No. A-3672, October Session, 1957. (Recommended December 1957 Session)
To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Taylor W. Sodie, convicted of conspiracy, false pretense, etc. in the Court of Quarter Sessions of Allegheny County, on November 24, 1933 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is forty-seven years of age and was sentenced, in 1933, to one year in the Allegheny County Workhouse for the crime of conspiracy.

The applicant was involved, with two accomplices, in passing worthless checks to the value of over Two Thousand Dollars. He was paroled, after spending approximately eight months in the Workhouse, and his parole expired in November of 1934.

Since his release the applicant has behaved himself well and has not been convicted of any offense. He was, however, arrested twice for being involved in a lottery operation but was discharged in both instances.

Since 1934 the applicant has been employed as a parking lot attendant except for two years when he served in the United States Air Force, from which he received an honorable discharge. At present he is a parking lot attendant of the William Penn Parking Garage. It is his desire to obtain employment with the City of Pittsburgh and he would like a pardon in order to qualify for such employment. The Board has a letter from his employer, and from the Teamster's Union, as well as from other citizens, stating that this man has been observed and is known to be an honest and industrious person.

The trial judge is deceased and the President Judge, the Honorable W. H. McNaugher, stated that he had no information on the case and could, therefore, express no opinion. The district attorney advised the Board that his office was not opposed to the granting of a pardon.

The Board does not feel that this man should be hindered in his advancement and since a pardon is helpful for that advancement, the Board recommends a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Salvatore Sam Sortino, D-4409, No. A-184, June Session, 1957. (Recommended December 1957 Session)

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Salvatore Sam Sortino, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on November 8, 1939, be commuted from life imprisonment to 18 years, 4 months, 23 days, expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

This applicant, who is fifty-one years of age, was in-

volved in the famous arsenic ring in Philadelphia some eighteen years ago. The applicant, upon the solicitation of Herman Petrillo, pushed a man into the Schuylkill River, causing his death. The proceeds of life insurance was then divided among several conspirators. The inspiration for these series of crimes, Herman Petrillo, was executed in 1940.

The trial judges are no longer on the bench. However, the President Judge, the Honorable Raymond MacNeille, wrote the Board that he was leaving the matter to the discretion and best judgment of the Board. The late Judge Frank Smith wrote the Board in 1954 that this applicant had no prior record and he believed his case was one that the Board may well consider.

At the hearing, the district attorney requested that they be given an opportunity to study the case further so that they could express their opinion as to the merits of the case. The Board held this application under consideration so that this investigation could be made and so that their decision would be well founded in every respect. In December, the district attorney wrote the Board that the investigation was completed and stated: "****do not oppose granting of commutation."

The prison staff states that this applicant has an unblemished disciplinary record and his adjustment is considered excellent. It was stated that this man may suffer a mental breakdown. It was also pointed out that although he actually committed the offense, he was under the influence of Petrillo who told him to push the victim into the water. The applicant was the chief Commonwealth witness against Petrillo who was found guilty and was sentenced to death.

During the years that this applicant has spent in the penitentiary he has conducted himself properly and there is every indication that he will conduct himself in the future as a law-abiding citizen. His parole program will be carefully checked and he will be under the supervision of the Board of Parole. The Board, therefore, recommends his life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Thompson, B-4912, No. 7539, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Joseph Thompson, convicted of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on March 7, 1936 be commuted from life imprisonment to 22 years, 25 days, expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

The applicant shot a policeman who was off duty. The shooting resulted from an argument and fight between the two men in a narrow alleyway. The neighborhood in which the shooting occurred was a poor one and at that time seemed to be occupied by illegal distillers of whiskey. Whatever the facts were, the entire story was not revealed at the trial. The applicant was adjudged guilty. After the trial, the judgment was subsequently appealed

to the Supreme Court which affirmed the lower court's decision.

The trial judge, the Honorable Frank J. Graff, stated that he would be satisfied with any decision the Board may make in the case. The District Attorney of Allegheny was not opposed to a commutation. The prison staff states that he has an excellent institutional record and during his imprisonment, he has improved his educational standards. He also has demonstrated habits of thrift and has saved over \$1600 from his small earnings. It is significant that this is the first offense of this applicant.

At the trial it was testified that this man was recovering from a severe case of pneumonia and his physician questioned whether he was able to commit this offense involving as it did, an altercation prior to the shooting.

The Board recommends that this applicant, who has served over twenty years of a life sentence, have his sentence commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Albert S. Walton, C-4259, No. A-4373, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Albert S. Walton, convicted of assault and battery; robbery in the Court of Oyer and Terminer and Quarter Sessions of McKean County on November 2, 1956, computed from October 15, 1956, be commuted from 2 years to 1 year, 5 months, 16 days, expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

This applicant, together with his brother, Merle Walton, and the victim were drinking in a Tavern. On the way home from the Tavern, the three men got into a fight and the victim was beaten severely. The victim alleged that they also took a watch, a knife, and \$10 from him.

During his imprisonment, the prison staff reports that he has not been involved in any misconducts, and his conduct has been satisfactory.

The trial judge, the Honorable Charles G. Hubbard, wrote the Board that he is willing to leave the matter to the Board's discretion. Likewise, the District Attorney expresses his reliance upon the discretion of the Board in this matter.

The applicant has served nearly three-fourths of his minimum sentence and in view of his prison record and his prior record, the Board believes that he has been sufficiently punished and therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Merle H. Walton, C-4255, No. A-4372, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Merle H. Walton, convicted of assault and battery; robbery in the Court of Oyer and Terminer and Quarter Sessions of McKean County on November 2, 1956, computed from October 15, 1956, be commuted from 2 years to 1 year, 5 months, 26 days, expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

The applicant and his accomplice met the victim in a Tavern. All had been drinking. On their way home from the tavern, the three men got into a fight and the victim was severely beaten. The victim alleged that they also took a watch, a knife, and \$10 from him. The applicant pled guilty to the offenses. This was the first major conviction and sentence that the applicant has received.

During his imprisonment, the prison staff reports that he has not been involved in any misconducts and has a "B" rating at the institution.

The trial judge, the Honorable Charles C. Hubbard, wrote the Board that he is willing to leave the matter to the Board's discretion. The District Attorney, likewise, expresses his reliance upon the discretion of the Board in this matter.

The applicant has served nearly three-fourths of his minimum sentence and in view of his prison record and his prior record, the Board believes that he has been sufficiently punished and therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of E. Robert Warner, 1670-D, No. 7452, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of E. Robert Warner, convicted of armed robbery in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on November 22, 1938, computed from November 9, 1938, be commuted from 50 years to 19 years, 2 months, expiring on January 9, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action

to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until November 9, 1988.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John West, 7774-D, No. 8489, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of John West, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on June 5, 1941, computed from May 17, 1941 be commuted from 40 years to 16 years, 7 months, 20 days, expiring on December 7, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until May 17, 1981.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Williams, 6659-A, No. 429, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommended that the maximum sentence of James Williams, convicted of murder in the first degree in the Court of Oyer and Terminer of Philadelphia County on December 5, 1929 be commuted from life to 28 years, 1 month, expiring on January 5, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until End of Life.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Wendall Wilson, B-6718, No. A-935, October Session, 1957. (Recommended December 1957 Session)

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Wendall Wilson, convicted of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on May 9, 1939, computed from January 13, 1939 be commuted from life imprisonment to 19 years, 2 months, 18 days, expiring on March 31, 1958.

Our reasons for making this recommendation are as follows:

The applicant, and his victim, had been drinking and it was set forth at the trial that the victim strong armed the applicant and took \$4.80 from his purse. A day or two later, he met the victim, words were exchanged as to the taking of this small sum of money, whereupon the applicant drew his knife and cut the victim several times, causing wounds resulting in death. The applicant fled the scene and was not apprehended until about a year later, in New Jersey.

The prison staff reported that this fifty-seven year old man has made about as good an institutional adjustment as could be expected for one having his gross limitations. This is his first major imprisonment.

The Warden, A. C. Cavell, writes the Board that it is felt by the staff that if the applicant is ever to be recommended for commutation, this might be the optimum time. His general deterioration is becoming more of a liability and unless he can assume some sort of a social-economic adjustment, he seems destined to be a permanent institutional case. The staff believes that a release is to be preferred to a permanent institutionalization.

The trial judge, the Honorable W. Walter Braham, writes the Board that although he is no longer sitting on the bench, he will rely upon the opinion of the prison authorities. The District Attorney of Allegheny County stated that they were not opposed to the commutation.

The Board believes that the applicant, having served nineteen years or more of his life sentence, will likely never again offend the laws of the Commonwealth, and therefore recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Benjamin Wyjadka, 566-B, No. A-1361, December Session, 1957.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Benjamin Wyjadka, convicted of feloniously bringing stolen property into Pennsylvania in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on May 21, 1948, computed from March 19, 1948 be commuted from 15 years to 9 years 10 months expiring on January 19, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until March 19, 1963.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John W. Berry, E-3437, No. A-3936, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John W. Berry, convicted of armed robbery in the Court of Quarter Sessions of Philadelphia County on December 22, 1952, computed from November 12, 1952

be commuted from 7 years to 5 years 5 months 10 days expiring on April 22, 1958.

Our reasons for making this recommendation are as follows:

The facts of the crime are that the applicant, together with three accomplices, held up the payroll clerk of the contracting company and fled with the payroll of \$10,000. The applicant did not actively participate in the hold-up but planned the crime and shared in the loot. The accomplices upon arrest involved the applicant in the crime.

The trial judge, the Honorable Frank Smith, is deceased. The President Judge, the Honorable Eugene V. Alessandrini, wrote the Board that he would rely upon the Board for the exercise of their best discretion. The District Attorney advised the Board that this was a border-line case and felt that it was slightly premature and therefore, was opposed.

The penitentiary authorities stated that he appears to be a sincere individual and has matured during his present confinement. His educational achievements have been excellent. The applicant is twenty-nine years of age and is an instructor in the sign shop.

The Board believes that this applicant, who has demonstrated sincere efforts to rehabilitate himself and to take advantage of the educational work in the penitentiary, is deserving of clemency. The applicant will have served over two-thirds of his minimum sentence by the time of his release.

The Board, therefore, recommends a commutation of his minimum sentence believing that this applicant will conduct himself as a law-abiding citizen in the future.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Anthony Bianco, 6158-B, No. A-723, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Anthony Bianco, convicted of robbery, etc., in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on February 2, 1950, computed from January 4, 1950, be commuted from 10 years to 8 years 1 month expiring on February 4, 1958; and further recommend that the maximum sentence of Anthony Bianco, convicted of robbery, etc., in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on March 23, 1950, computed from January 4, 1950, be commuted from 10 years to 1 day expiring on February 5, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until January 4, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons

recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Edmund Buckley, No. A-4232, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Edmund Buckley, convicted of conspiracy to commit rape in the Court of Oyer and Terminer of Delaware County, on March 23, 1934 be pardoned.

Our reasons for making this recommendation are as follows:

It appears that the applicant and his accomplice, after considerable drinking, met a young girl whom they offered to take home in their automobile. In the course of the trip home, the applicant and his accomplice had intercourse with the girl against her consent. The girl reported this attack to the police who subsequently arrested the two men. Later, the girl withdrew her charges as she was adverse to the notoriety involved. In view of the situation, the court placed the applicant and his accomplice under a two year probation. Since 1934, the applicant has not been involved in any criminal offenses.

The trial judge, the Honorable W. Roger Fronefield, is no longer on the bench. The President Judge, the Honorable Henry G. Sweney, wrote the Board that he was not opposed to granting the pardon. Likewise, the District Attorney expressed no opposition but spoke of the uncollected fine and costs of the trial back in 1934. Assistant District Attorney, John R. Graham, stated to the Board at the public hearing that Judge Sweney had relieved the applicant of all fine and costs and therefore, the District Attorney was not opposed to the granting of a pardon.

The applicant is now employed with the Pinkerton Detective Agency and has a side line business. The applicant is requesting this pardon so that he may take advantage of the opportunities of advancement.

The Board recommends the granting of this pardon for the reason that for the past twenty-four years the applicant's conduct has been excellent and he has conducted himself in a manner which has given him an enviable reputation in his community.

The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Leo James Carpenter, No. A-1513, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Leo James Carpenter, convicted of robbery, larceny, receiving stolen goods, etc., in the Court of Oyer and Terminer and Quarter Sessions of Dauphin County, on March 19, 1945, computed from February 16, 1945, be commuted from 34 years to 13 years, 2 months, expiring on April 16, 1958.

Our reasons for making this recommendation are as follows:

The applicant pled guilty to the offense of holding up the Manager of Loew's Theatre, in Harrisburg, and of robbing a gas station, stealing an automobile, and burglarizing a business place. The applicant and the two accomplices had their sentences commuted in November of 1950.

Since his release on parole, he has resided in Harrisburg and the Parole Board reports that he has settled down and conducted himself as a law-abiding citizen. He is now self-employed, conducting a barber's supply business and has bought a car with the agent's permission, in order to deliver his merchandise to various beauty parlors in this area. The Board of Parole recommends his release from further parole supervision.

The trial judge is deceased. The President Judge, the Honorable Paul G. Smith, stated he would rely upon the Board. The District Attorney has no objection to commuting his maximum sentence.

The Board, therefore, recommends that his maximum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Harry B. Cloud, E-4585, No. A-4399, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Harry B. Cloud, convicted of burglary in the Court of Oyer and Terminer of Dauphin County on May 17, 1954, computed from April 11, 1954 be commuted from 6 years to 4 years, 10 days expiring on April 21, 1958.

Our reasons for making this recommendation are as follows:

The applicant plead guilty to burglarizing about forty-one business places in the Dauphin County area, in a period of about eighteen months. He took from the various places entered, merchandise, petty cash, cigarettes, etc. The value of the loot was not a large sum.

Since his confinement, the penitentiary staff reports that his work record is about average and that he is now employed in the electrical shop of the penitentiary. The applicant was honorably discharged from the United States Army after two years of military service. The applicant is forty-two years of age.

The trial judge, the Honorable William H. Neely, wrote

the Board that he relies upon the Board to exercise their sound discretion in this matter. The district attorney's office advised the Board that they had no objection, provided his institutional record is satisfactory.

The Board in reviewing the facts of the crime, the length of time he has served in the penitentiary, and the favorable reports from the penitentiary staff, believes that this man has adjusted to a degree that he may safely be released to society. He has become an electrician's apprentice and has an opportunity to engage in a profitable trade.

The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Dendall 7475-B, No. A-548, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Joseph Dendall, convicted of robbery, armed with offensive weapon, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on April 12, 1938, computed from April 7, 1938, be commuted from 80 years to 19 years, 10 months, expiring on February 7, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until April 7, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Frank DiFazio, E-295, No. A-3865, November Session, 1957. (Recommended December 1957 Session).

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Frank DiFazio, convicted of murder in the first degree in the Court of Oyer and Terminer of Philadelphia County on April 23, 1948 be commuted from life imprisonment to a minimum term of 10 years expiring on April 23, 1958.

Our reasons for making this recommendation are as follows:

This applicant, and his wife, had agreed to separate. While the applicant was gathering together his belongings to leave the home, an argument ensued. The wife grabbed a hammer and struck the applicant a severe blow on the head, whereupon the applicant grabbed a stool and hit his wife back of the ear. This blow caused her death. The applicant then tried to commit suicide and damaged his face severely.

The trial judge, the Honorable Frank Smith, is deceased, but the President Judge, the Honorable Eugene Alesandrone, wrote the Board that he will rely upon their discretion in this matter. The district attorney desired to study the facts of the case, and the Board held it under advisement. The district attorney wrote the Board in December stating that while there were elements of second degree murder the testimony at the trial would indicate that this man was guilty and properly convicted of first degree murder.

The prison staff states that reports from all department of the institution are favorable.

This applicant, who attempted suicide and failed, disfigured his face and is unable to talk as most of his tongue is gone. He has undergone over forty-one plastic operations on his face, and the Board was advised that he will require further facial operations in order to look like a normal human being. He will unquestionably have to be hospitalized in an institution that is skilled in that type of work.

The Board is persuaded that this applicant, who had an unblemished record prior to his conviction, will not again offend against the laws of society and may safely be released without menace to society.

The Board, therefore, recommends that the applicant's life sentence be commuted with the understanding that he will submit to surgery by persons skilled in plastic surgery so that he may restore his facial appearance to a degree that will be more normal.

Respectfully submitted,

(Sgd) ROY E. FURMAN—Dissents
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Francis Dolan, D-2807, No. 9816, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of James Francis Dolan, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Dauphin County on January 20, 1938, be commuted from life imprisonment to 20 years, 3 months, expiring on April 20, 1958.

Our reasons for making this recommendation are as follows:

The facts of the crime are briefly this; the applicant and his wife were separated because he was unemployed and the applicant went to live with his sister. Prior to the day of the tragedy, numerous discussions occurred between the applicant and his sister over his unemployment. On the day of the tragedy, he was in the kitchen preparing coffee and, while there, his sister told him to leave her home as he was not doing anything for her. About this time, two witnesses, friends of the family, were present in the kitchen. The applicant, thereupon, went upstairs and secured a shotgun, came downstairs to the kitchen and without anything being said, fatally shot the victim, his sister, in the back.

The trial judge is deceased. The President Judge, the Honorable Paul G. Smith, wrote the Board that he would rely upon the Board to exercise their good judgment in the matter. The district attorney's office advised the Board that they were not opposed to clemency as they feel the opportune time had arrived for his release.

The penitentiary staff states that he has served twenty years of a life sentence and during that confinement, he has exhibited unusual stability in terms of conduct, work, and inter-personal relationships. The applicant is fifty-seven years of age and this was his first criminal offense.

The applicant's sponsor, Reverend Daniel Crowley, assured the Board that he would give him personal supervision and counseling. The Board, therefore, recommends his life sentence be commuted, believing that this man will never again offend the laws of society.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Nicholas Gabriele, Jr., E-3664, No. A-3621, December Session, 1957. (Recommended January 1958 Session).

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Nicholas Gabriele, convicted of burglary, larceny, receiving stolen goods in the Court of Oyer and Terminer of Bucks County on May 13, 1953 be commuted from 1 year to 1 day, expiring on March 1, 1958; and further recommend that the minimum sentence of Nicholas Gabriele, convicted of burglary, larceny, receiving stolen goods in the Court of Oyer and Terminer of Montgomery County on December 11, 1953, be commuted from 6 months to 1 day, expiring on March 2, 1958. (These two sentences are to follow No. 1347 March Sessions, A. D. 1953 Philadelphia County of April 27, 1953, computed from February 28, 1953.)

Our reasons for making this recommendation are as follows:

The applicant, and his accomplices, engaged in a series of robberies throughout Philadelphia, Montgomery and Bucks Counties, in 1952 and 1953. In Philadelphia he was involved in thirty-two house burglaries and four armed holdups; in Bucks County he was involved in five burglaries and in Montgomery County he was involved in four burglaries. He was given consecutive sentences in the three counties for these offenses.

The trial judge, the Honorable Edwin O. Lewis (Phila-

delphia County) expressed no opinion to the parole agent. The trial judge, the Honorable Harold G. Knight (Montgomery County) stated to the parole agent that he was opposed to a commutation. The trial judge, the Honorable Edward G. Biester (Bucks County) stated to the parole agent that he relied upon the decision of the Board. The district attorney of Montgomery County is opposed. The district attorney of Bucks County stated he would rely upon the Board. The district attorney of Philadelphia County expressed no opposition as the applicant has about completed his Philadelphia County sentence and is due to be paroled in March 1958.

The Board is advised by the penitentiary staff that the applicant, who is twenty-three years of age, has matured and has performed with increased stability. At present he is a runner for the Deputy Superintendent's Office.

The Board believes that completion of the applicant's five year minimum sentence will be sufficient punishment, as his maturity leads the Board to believe that he will not again offend the laws of society, and the Board, therefore, recommends that upon completion of the Philadelphia County sentence, both the Montgomery County and the Bucks County sentences be commuted to a minimum of 1 day each County.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Giacobbi, 6063-B, No. A-540, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of John Giacobbi, convicted of robbery, etc. in the Court of Quarter Sessions of Philadelphia County on January 20, 1950, computed from December 23, 1949 be commuted from 10 years to 8 years, 1 month, 10 days, expiring on February 3, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until December 23, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Gillard, 5569-D, No. 7952, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of John Gillard, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on June 8, 1938, computed from May 19, 1938 be commuted from 100 years to 19 years, 8 months, 20 days, expiring on February 9, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until May 19, 1938.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William J. Goodman, E-4377, No. A-3680, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William J. Goodman, convicted of robbery in the Court of Quarter Sessions of Philadelphia County on March 16, 1954, computed from January 13, 1954 be commuted from 5 years to 4 years, 3 months, 10 days, expiring on April 23, 1958.

Our reasons for making this recommendation are as follows:

The applicant and his accomplice held up a movie theatre cashier and a cleaning establishment. They both were in need of money in order to purchase drugs.

During his incarceration for the past four years, the penitentiary staff reports that his record is excellent and he has made considerable advancement educationally. He is a braille expert. He puts current books into braille for use of the blind and has become very interested in that type of work. The applicant is a member of the prison band. He is twenty-four years of age.

The trial judge, the Honorable John Morgan Davis, wrote the Board that he would have no objection to

commuting the minimum sentence of the applicant. The District Attorney's office advised the Board that this applicant is well adjusted and rehabilitated and they were not opposed to a commutation.

The Board is recommending this applicant for a commutation because he has demonstrated for the past four years such a splendid adjustment and has trained himself to become a braillist.

The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

NOT SITTING

Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Charles Hamilton, 4358-C, No. 9981, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of John Charles Hamilton, convicted of burglary and larceny in the Court of Oyer and Terminer and Quarter Sessions of Lancaster County on June 6, 1947 computed from May 9, 1948 be commuted from 10 years to 9 years, 9 months, expiring on February 9, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until May 9, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Ernest Lee Harris, 556-C, No. 9798, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due

public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Ernest Lee Harris, convicted of burglary and larceny in the Court of Quarter Sessions of Delaware County on November 29, 1946, computed from July 7, 1946 be commuted from 20 years to 11 years, 7 months, expiring on February 7, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until July 7, 1966.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Bernard R. Heckathorne, 577-D, No. 7274, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Bernard R. Heckathorne, convicted of burglary, etc. in the Court of Quarter Sessions of Washington County on March 29, 1940, computed from March 17, 1940, be commuted from 100 years to 17 years, 11 months, expiring on February 17, 1958 and further recommend that the maximum sentence of Bernard R. Heckathorne, convicted of burglary in the Court of Oyer and Terminer of Allegheny County on April 10, 1940, be commuted from 10 years to 1 day, expiring on February 18, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until March 17, 2040.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.

(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Kloiber, E-5085, No. A-4430, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William Kloiber, convicted of robbery with accomplice; robbery; assault with intent to rob, larceny, receiving, in the Court of Oyer and Terminer and Quarter Sessions of Lehigh County on August 10, 1953, computed from December 27, 1954 be commuted from 3½ years to 3 years, 3 months, 21 days, expiring on April 17, 1958.

Our reasons for making this recommendation are as follows:

The applicant, together with two accomplices, held up a dress factory and took the payroll of over \$2,000. The applicant plead not guilty but was implicated by one of the accomplices. At the trial, the accomplices changed their plea to not guilty but the jury found all three of them guilty of this offense.

The applicant is forty-one years of age and is serving his sentence in the Northampton County Prison. The reports from that institution appear favorable. The Warden of the prison writes the Board of the applicant's good conduct, and his recommendation that the applicant merits consideration for request of commutation.

The trial judge, the Honorable James F. Henninger, wrote the Board that he had no objection to commuting the minimum sentence. The District Attorney did not express an opinion as to the merits of this application.

The Board has in its file, letters from various citizens of Allentown, recommending commutation of Mr. Kloiber's sentence by the Board.

The applicant has almost completed his minimum sentence and in view of his rehabilitation and excellent conduct in prison, the Board is of the opinion that he can be safely released and will not be a parole violator in the future.

The Board, therefore, recommends that his minimum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Frank D. Mattison, 1544-B, No. 9783, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Frank D. Mattison, convicted to burglary in the Court of Quarter Sessions of Potter County on June

9, 1948, computed from January 30, 1948 be commuted from 20 years, to 10 year, 3 days, expiring on February 3, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until January 30, 1968.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Raymond Mattison, 1546-B, No. 9785, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Raymond Mattison, convicted of burglary in the Court of Quarter Sessions of Potter County on June 9, 1948, computed from January 30, 1948 be commuted from 40 years to 10 years, 7 days, expiring on February 7, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until January 30, 1988.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Gus Mennetti, 419-D, No. 6059, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Gus Mennetti, convicted of robbery, armed with an offensive weapon in the Courts of Oyer and Terminer and Quarter Sessions of Philadelphia on March 13, 1939, computed from March 7, 1939, be commuted from 30 years to 18 years, 11 months, expiring on February 7, 1958; and further recommend that the maximum sentence of Gus Mennetti, convicted of escape in the Courts of Oyer and Terminer and Quarter Sessions of Centre County on February 9, 1944, computed from March 7, 1949, be commuted from 15 years to 8 years, 11 months, expiring on February 7, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until March 7, 1969.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles J. McEldrew, No. A-4125, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles J. McEldrew, convicted of robbery, being armed with an offensive weapon in the Court of Quarter Sessions of Philadelphia County on April 22, 1955, computed from January 22, 1955 be commuted from 5 years to 3 years 2 months 22 days expiring on April 14, 1958.

Our reasons for making this recommendation are as follows:

The applicant and his accomplice entered a bank to stage a hold-up. An officer on patrol looked into the bank and saw the applicant pointing a gun at a Teller. The police officer drew his pistol and walked into the bank where he jammed the pistol into the applicant's back, whereupon, the hold-up was over.

The trial judge, the Honorable Vincent A. Carroll, wrote the Board that this applicant is deserving of a commutation of his sentence. Likewise, the District Attorney advised the Board that their office was not opposed to granting clemency in this matter.

The Philadelphia County Prison writes the Board that this applicant appears to be quite intelligent, cooperative, and presents a very good appearance. He is twenty-eight years of age and is presently employed as a first-aid man in the medical center of the prison where he performs his duties very well.

The Board is recommending that this applicant have his sentence commuted because of the excellent reports received from all sources and, the Board believes that this man, who has such an excellent rehabilitation record, will conduct himself as a law-abiding citizen in the future.

The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Thomas E. McElveen, E-2901, No. A-3795, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Thomas McElveen, convicted of robbery, etc. in the Court of Quarter Sessions of Philadelphia County on March 25, 1952, computed from February 7, 1952 be commuted from 10 years to 6 years 2 months 10 days expiring on April 17, 1958.

Our reasons for making this recommendation are as follows:

The applicant and his accomplice participated in fourteen armed hold-ups in Philadelphia County, commencing in December of 1951. The loot amounted to over \$1500.

The trial judge, the Honorable Charles L. Guerin, wrote the Board that the application was without merit. However, on the 23rd day of January, 1958, Judge Guerin again wrote the Board stating that his objection arose thru inadvertence due to his impression that this application was for a pardon. However, the application is for a commutation of the minimum sentence and to that he has no objection and would be quite satisfied with any action of the Board in this matter. The District Attorney advised the Board that the application was without merit.

The penitentiary staff reports that this applicant is a first offender who has shown improvement since his admittance. He has made some gains in the educational area and has an excellent work record. He is employed in the craft shop.

This applicant who has served about two-thirds of his sentence of a ten year minimum, shows every promise of leading a law-abiding life if released.

The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Cyrus Predow, E-5408, No. A-4421 January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Cyrus Predow, convicted of assault together with other persons with intent to rob in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on April 5, 1955 computed from March 9, 1955 be computed from 5 years to 3 years 1 month 10 days expiring on April 19, 1958.

Our reasons for making this recommendation are as follows:

It appears that the applicant and his accomplice robbed a man who was walking along Berks Street, Philadelphia, with a companion. This offense is known as "mugging." A police officer observed this offense, and after chasing the applicant, apprehended and arrested him.

The trial judge, the Honorable Vincent A. Carroll, wrote the Board that he is opposed to granting the applicant clemency. Likewise, the District Attorney advised the Board that this application was slightly premature, and therefore, was opposed.

The penitentiary staff reports that this applicant is a first offender and has compiled an excellent institutional record and he has availed himself of every opportunity of self-improvement. The staff has awarded him an "A" honor rating and they have unanimously expressed the opinion that the applicant is a good parole risk and deserves favorable consideration.

The Board believes that this applicant, who has distinguished himself at the Rockview institution, is deserving of clemency; although the trial judge and the district attorney are opposed, they have not been in contact with the applicant and have had no opportunity to observe and judge his development and maturity, whereas the prison staff had this opportunity. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Henry S. Pyatt, 8218-D, No. A-511, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Henry S. Platt, convicted of sodomy in the Court of Oyer and Terminer of Allegheny County on June 17, 1946, computed from May 29, 1946, be commuted from 12 years to 11 years, 8 months, 10 days, expiring on February 9, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record.

But for this action the applicant, because of his sentence, would remain on parole until May 29, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Edmund Ratzin, E-2240, No. A-2547, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Joseph Edmund Ratzin, convicted of burglary and larceny in the Court of Quarter Sessions of Luzerne County on March 22, 1951, computed from February 21, 1951, be commuted from 8 years to 7 years, 2 months, expiring on April 21, 1958.

Our reasons for making this recommendation are as follows:

The applicant and his accomplice would ring the door-bell of a residence and if no one answered the ring and the residence appeared unoccupied, they would force their way into the house and loot it. There is a record of twenty-six such entries. The value of the loot was over \$1,000.

The trial judge, the Honorable Thomas M. Lewis, stated to our parole agent that he would leave the matter in the hands of the Board of Pardons. The district attorney's office wrote the Board that they have no objection to the granting of a parole in this case.

The penitentiary staff reports that the applicant appears to be a well-motivated individual who has demonstrated good adjustment capacity during his period of confinement.

The applicant is twenty-six years of age and is doing competent work as a tailor. Educationally he has made good progress. He has a job awaiting him as a tailor, and has a good sponsor.

The Board believes that this man has demonstrated his desire to improve himself so that he may be a credit to his family and friends and that he will no longer violate the laws of the Commonwealth. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Stephen Robinson, No. A-4414, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Stephen Robinson, convicted of involuntary manslaughter in the Court of Quarter Sessions of Philadelphia County on March 25, 1957, computed from March 11, 1957, be commuted from 18 months to 1 year, 1 month, expiring on April 11, 1958.

Our reasons for making this recommendation are as follows:

This applicant, now twenty-one years of age, was driving an automobile with several friends in his car. He engaged in a race with an acquaintance by the name of Ronald Levin. These two boys raced their cars from 80 to 90 miles an hour and Levin, to forge ahead, cut in front of the applicant's car. The applicant lost control of his car and hit a tree. One of his passenger was thrown to the road and fatally injured.

The trial judge, the Honorable Curtis Bok, wrote the Board that he would rely upon the Board to judge the merits of this application. The District Attorney of Philadelphia County stated that he was not opposed to a commutation. This young man received a rather severe sentence for this offense, as he was only eighteen years old at the time of the tragedy.

The prison authorities state that he is a clerk in the Classification Division of the prison and that his conduct is satisfactory. The applicant has no previous record. It might be stated that the driver of the other car appealed his case to the Superior Court which upheld the Lower Court decision. He was sentenced for from eighteen to thirty-six months in the Philadelphia County Prison, effective in April 1957.

The Board believes that this young man, having received a heavy sentence for this offense, has learned a lesson and that until he proves himself competent, the privileges of driving an automobile should be restricted. The Board, therefore, recommends that the applicant's sentence be commuted and that his parole agreement should be very clear as to his non-operation of an automobile, and that he be restricted in the use of a motor vehicle.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Willie Samuels, 6650-C, No. 6336, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Willie Samuels, convicted of assault, being armed to rob, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on January 5, 1937, computed from same day be commuted from 40 years to 21 years 1 month expiring on February 5, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until May 5, 1963.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Alexander Wheaton, 4333-B, No. A 105, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Alexander Wheaton, convicted of sodomy in the Court of Oyer and Terminer of Allegheny County on February 24, 1949, computed from February 23, 1949, be commuted from 10 years to 8 years, 11 months, 10 days, expiring on February 3, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until February 23, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Herbert H. Winkler, No. A 4396, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Herbert H. Winkler, who plead guilty to larceny of automobile, receiving stolen goods, operating motor vehicle without owner's consent, in the Court of Quarter Sessions of York County on April 14, 1941; who plead guilty to larceny of automobile, receiving stolen goods and operating without owner's consent, in the Court of Quarter Sessions of Philadelphia County on February 17, 1941; who was convicted of larceny of auto, receiving stolen goods, operating without owner's consent, and violation of motor vehicle code in the Court of Quarter Sessions of Philadelphia County on January 19, 1942; and who was convicted of assault and battery and aggravated assault and battery in the Court of Quarter Sessions of Philadelphia County on September 23, 1947, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant was released in March of 1944 and since that date he has not been involved in any criminal activity. In the York County offenses, he plead guilty to stealing an automobile and accessories and received a suspended sentence, back in December of 1940.

The district attorney of Philadelphia County is opposed to granting a pardon. However, the trial judge, the Honorable Vincent A. Carroll, did not express his opinion because he was unable to learn from the petition the precise offenses for which a pardon is being sought. The York County Trial Judge, the Honorable Ray P. Sherwood, wrote that he would rely upon the Board for any decision they may make. However, the district attorney of York County saw no reason for a pardon in this case.

The applicant has been employed since 1944 and is presently a truck driver with the C. Schmidts and Sons Company. In order for him to continue with this company, he must have permission to drive into other states and the state of New York requires that driver's licenses for this type of work be issued to persons without a criminal record. It was stated to the Board that this applicant, if permitted to drive into other states, can earn as much as eight thousand dollars a year.

The Board believes that a man who has conducted himself in a law-abiding manner for over ten years; who has a good record as an employee; and who desires to advance in his employment, should be given the opportunity to do so. The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Robert Gilmore Woods, No. 4394, January Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Robert Gilmore Woods, convicted of assault and battery and aggravated assault and battery in the Court of Quarter Sessions of Philadelphia County on January 12, 1933; convicted of issuing and passing worthless checks with intent to cheat and defraud in the Court of Quarter Sessions of Philadel-

phia County on June 24, 1935; convicted of false pretenses and passing worthless checks in the Court of Quarter Sessions of Philadelphia County on August 9, 1935; and convicted of passing worthless dividend coupon in the Court of Quarter Sessions of Philadelphia County on March 9, 1937, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant, fifty-nine years of age, was involved in this type of offense in 1934, 1935, and 1937, and was placed on probation at the conclusion of each trial except for the one year sentence in 1934. Since 1937, he has not been involved in any type of criminal offense and has led a law-abiding life.

The trial judge, the Honorable Harry McDevitt, is deceased. The President Judge, the Honorable Eugene V. Alessandrini, wrote the Board that he would rely upon the discretion of the Board. The district attorney's office is not opposed and stated that this man, from their investigation, has an excellent reputation. There are several letters from attorneys and bank officials from Philadelphia County, attesting to the fine reputation and character of the applicant.

The applicant at present has passed the civil service examination for the position of Claim Investigator and requires a clear record in order to accept this position. The man appeared before the Board and impressed the Board with his sincerity and ability.

The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Allen, 834-D, No. A-4436, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of James Allen, convicted of burglary and larceny in the Court of Quarter Sessions of Delaware County, on June 11, 1941, computed from August 19, 1944 be commuted from 15 years to 13 years 8 months expiring on April 19, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until August 19, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

NOT SITTING

Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Robert Allen, 9184-C, No. 6256, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Robert Allen, convicted of robbery; armed with an offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on January 27, 1939, computed from December 17, 1938 be commuted from 50 years to 19 years 4 months expiring on April 17, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until April 17, 1970.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Frank Bankowski, B-4180, No. 7431, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the Life sentence of Frank Bankowski, convicted of murder in the first degree in the Court of Oyer and Terminer of Clearfield County, on June 23, 1934 be commuted from life imprisonment to 23 years 10 months expiring on April 23, 1958.

Our reasons for making this recommendation are as follows:

This applicant, who is forty-nine years of age, entered a plea of guilty to the charge of fatally shooting a man, who was shot while sitting in a chair in a farm house

while the applicant was ransacking the house. Nothing of value was taken from the house, and the reason for the fatal shooting was not made entirely clear. The jury adjudged the applicant guilty of murder in the first degree, and he was sentenced to life imprisonment.

The applicant has been confined for over twenty-three years, and he has been in the State Penitentiary at Rockview, which is a minimum security penitentiary, for the last four years. He earned this transfer by his good adjustment, and his over-all institutional record has been satisfactory. The staff feels that he should be considered a worthy case for clemency.

The trial judge is deceased, and the President Judge, the Honorable John J. Pentz, expressed his opposition to release. The District Attorney of Clearfield County wrote the Board that he was opposed. The institutional staff, however, who see this applicant every day and who have had the opportunity to observe him closely, feel that, after twenty-three years of confinement, he is a worthy case for clemency.

The applicant will live with his sister in New Jersey and has been assured of a job in a nearby plant. He will, of course, be under parole supervision.

The Board believes that this man will no longer offend against society and recommends his life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Robert Berry, 7303-C, No. A-4428, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Robert Berry, convicted of burglary in the Court of Oyer and Terminer of Allegheny County on July 1, 1943, computed from June 22, 1943, be commuted from 16 years to 14 years, 10 months, expiring on April 22, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until June 22, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.

(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Bordo, 345-C, No. 9017, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Joseph Bordo, convicted of assault with intent to rob; armed robbery in the Court of Quarter Sessions of Washington County on October 1, 1946, computed from September 26, 1946, be commuted from 12 years to 11 years, 7 months, expiring on April 26, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until September 26, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,
(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Oscar E. Brewster, 76560, No. A-3459, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Oscar E. Brewster, convicted of murder in the second degree in the Court of Oyer and Terminer of Allegheny County on February 1, 1955, computed from January 14, 1954, be commuted from 8 years to 4 years, 3 months, 10 days, expiring on April 24, 1958.

Our reasons for making this recommendation are as follows:

This applicant is now thirty-three years of age. He, and an accomplice, drove to a tavern. They both entered, and the applicant stated to the proprietor and occupants, "This is a hold-up." While the applicant was talking, the accomplice left the tavern, moved the automobile to the door and re-entered the place. The two men then left the tavern together, and, as they were moving away, the accomplice shot through the tavern door with a shot-gun, fatally injuring a patron.

The applicant has been confined in the Allegheny County Workhouse, and the Superintendent advised the Board

that the applicant has "behaved himself in an exemplary manner. His attitude, conduct and general behavior has been excellent . . . He is making a sincere effort towards self-rehabilitation." The applicant has progressed educationally and has received a high-school diploma.

The trial judge, the Honorable Samuel A. Weiss, has written the Board a very strong letter recommending commutation of the applicant's sentence, and indeed the Judge offered to personally appear before the Board on behalf of the applicant. The Assistant District Attorney, Louis Abromson, advised the Board that the applicant received too severe a sentence for his part in the offense, that the original intention was for him to serve a four-year minimum sentence. The office of the district attorney was, therefore, not opposed to commutation.

The Board believes that this applicant, who allowed himself to become involved in this offense, has been sufficiently punished, and that, if released, he will not again offend against society. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Howard Conrad, 794-B, No. 9461, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Howard Conrad, convicted of assault and battery, etc. in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on October 3, 1939, computed from September 27, 1939 be commuted from 20 years to 18 years 7 months expiring on April 27, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until September 27, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Alfred Contardi, No. A-3454, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Alfred Contardi, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Allegheny County, on May 29, 1939 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant, who is now forty-four years of age, entered several State Liquor Stores, with three accomplices, and stole cash and liquor. The applicant evidently played a minor role in the commission of these offenses.

He was paroled in May 1941, after serving his minimum sentence, and was released from parole supervision in May 1950. The Board of Parole advises that he has been a respected member of his community and has maintained an excellent work record.

The trial judge is deceased and the President Judge, the Honorable William H. McNaugher, wrote that he would rely upon the decision of the Board. The Assistant District Attorney, Louis Abromson, stated to the Board that his office had no objection to the granting of a pardon.

The applicant is employed as a salesman for a motor company in Pittsburgh; is married; has a family; owns his own home, and is earning \$7,000 to \$8,000 a year. He desired to progress in his position with the motor company, and this offense is hindering him in his advancement. The Board believes that he is entitled to clemency, and recommends, therefore, that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Messmore Cramer, C-3959, No. A-4388, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Messmore Cramer, convicted of rape and assault with intent to ravish in the Court of Oyer and Terminer and Quarter Sessions of Westmoreland County, on November 29, 1955, computed from November 22, 1955 be commuted from 2½ years to 2 years 4 months 20 days expiring on April 12, 1958.

Our reasons for making this recommendation are as follows:

This applicant is thirty-four years of age. He, and four other young men, were driving around the county in the applicant's automobile. They noticed a car parked in a side road. The other four of the group got out of the car and approached the parked auto, in which a man and woman were sitting. They dragged the girl out of the car and up the road. The companion of the girl drove away seeking assistance, noting the license number of the applicant's car. The group assaulted the woman. The role of applicant would appear to have been passive but nevertheless he was properly convicted.

The trial judge, the Honorable Edward Bauer, wrote

the Board that he had no objection to commutation of the sentence. The district attorney of Westmoreland County wrote the Board that he relied upon the action of the Board in the matter.

The penitentiary staff reported that they believe the applicant would be a good parole risk, and that further confinement would have no positive effect. Likewise, he is deserving of clemency. The applicant had no previous record of any type.

The Board is in receipt of several letters from friends and neighbors testifying to the applicant's good conduct and character over a period of years prior to this offense.

The Board believes that this applicant will conduct himself in the future as a law-abiding citizen and, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Samuel Duncan, 4090-B, No. A-195, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Samuel Duncan, convicted of burglary; receiving stolen goods and conspiracy in the Court of Quarter Sessions of Philadelphia County on January 13, 1949, computed from August 18, 1948, be commuted from 10 years to 9 years, 8 months, expiring on April 18, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until August 18, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Harry D. Etter, 5342-B, No. A-4448, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Harry D. Etter, convicted of arson in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on September 9, 1949, computed from May 23, 1949, be commuted from 20 years to 8 years, 11 months, expiring on April 23, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until May 23, 1969.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,
(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Collis Fields, C-938, No. A-2103, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Collis Fields, convicted of armed robbery; assault with intent to commit armed robbery in the Court of Oyer and Terminer of Allegheny County on November 24, 1948, computed from October 13, 1948, be commuted from 20 years to 9 years, 6 months, 10 days, expiring on April 23, 1958.

Our reasons for making this recommendation are as follows:

This applicant held up two stores while armed, and, in one of the robberies, a clerk in the store was shot.

The trial judge, the Honorable M. A. Musmanno, did not reply to our inquiry, and the President Judge, the Honorable William H. McNaugher, stated to the parole agent that he was not familiar with the case, and, therefore, had no comment to make. Assistant District Attorney Louis Abromson stated to the Board that his office was not opposed to the granting of commutation, because the applicant received a rather severe sentence for the offense. The office of the District Attorney was in touch with the victims of these offenses and was advised that they were not opposed to the granting of commutation.

The penitentiary staff states the applicant's record and conduct have been excellent. The Board of Parole stated that, in the commission of the present offense, the applicant violated his parole from Pennsylvania Industrial School, and, in the event of commutation, the Board will consider the matter of his parole violation.

The Board is of the opinion that this applicant has been rehabilitated, and believes there is every likelihood that

he will conduct himself as a law-abiding citizen in the future. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,
(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Michael A. Forcione, 5996-D, No. A-672, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Michael A. Forcione, convicted of burglary, receiving stolen goods in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on June 28, 1945, computed from May 21, 1945 be commuted from 20 years to 12 years, 11 months, expiring on April 21, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until May 21, 1965.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,
(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Ernest Ford, 9157-C, No. 5929, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Ernest Ford, convicted of murder in the second degree in the Court of Oyer and Terminer and Quarter Sessions of York County on April 24, 1941, computed from March 29, 1941 be commuted from 20 years to 17 years, 1 month, expiring on April 29, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until March 29, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Ellery Gingery, 7736-B, No. A-3847, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Ellery Gingery, convicted of statutory rape in the Court of Quarter Sessions of Clearfield County on March 10, 1941, computed from March 3, 1941 be commuted from 20 years to 17 years, 1 month, 10 days, expiring on April 13, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until March 3, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Leonard Mayo, 8120-C, No. A-4438, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Leonard Mayo, convicted of burglary and receiving stolen goods in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on May 22, 1942, computed from April 17, 1942 be commuted from 20 years to 16 years, expiring on April 17, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until April 17, 1962.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Neal, 3598-B, No. A-4426, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of William Neal, convicted of voluntary manslaughter in the Court of Quarter Sessions of Washington County on November 16, 1948, computed from August 15, 1948 be commuted from 12 years to 9 years, 8 months, expiring on April 15, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until August 15, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.

(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Parsons, 4312-D, No. 5984, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of William Parsons, convicted of being armed to rob, etc. in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on March 14, 1940, computed from February 16, 1940 be commuted from 20 years to 18 years, 2 months, expiring on April 16, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until February 16, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Peter J. Pasko, 6280-D, No. A-4427, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Peter J. Pasko, convicted of armed robbery and assault in the Court of Oyer and Terminer and Quarter Sessions of Berks County on June 13, 1939, computed from April 15, 1939 be commuted from 20 years to 18 years, 11 months, 16 days, expiring on April 1, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until April 15, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of

Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Paul E. Quigg, 5553-A, No. A-4449, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Paul E. Quigg, convicted of murder in the second degree in the Court of Oyer and Terminer of Berks County on November 26, 1940, computed from November 24, 1939 be commuted from 20 years to 18 years, 5 months, expiring on April 24, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until November 24, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Smith, 3783-D, No. A-770, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of John Smith, convicted of armed to rob, etc. in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on June 20, 1940, computed from June 13, 1940 be commuted from 40 years to 17 years, 10 months, expiring on April 13, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until June 13, 1980.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,
(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Leon Smith, 6677-A, No. 7650, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Leon Smith, convicted of burglary, burglary and larceny in the Court of Oyer and Terminer and Quarter Sessions of Berks County on September 19, 1941, computed from July 2, 1941 be commuted from 30 years to 16 years, 9 months, 10 days, expiring on April 12, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until July 2, 1971.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,
(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William E. Snyder, 9753-C, No. 9181, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of William E. Snyder, convicted of statutory rape and sodomy in the Court of Quarter Sessions of Centre County on August 24, 1942, computed from July 17, 1942 be commuted from 20 years to 15 years, 9 months, expiring on April 17, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until July 17, 1962.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,
(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Earl N. Stepp, Jr., E-4866, No. A-3810, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Earl N. Stepp, Jr., convicted of larceny, burglary and conspiracy in the Court of Oyer and Terminer of Dauphin County on October 4, 1954, computed from September 24, 1954 be commuted from 6 years to 3 years, 7 months, expiring on April 24, 1958.

Our reasons for making this recommendation are as follows:

This applicant, together with three accomplices, stole a truck, broke into a cafe and carted away a safe. They likewise burglarized a store where they stole another safe. United States Government bonds were contained in the latter safe, valued at approximately \$3500.

The applicant and his accomplice were subsequently arrested and the applicant plead not guilty. He alleged that he was implicated upon the information of one of the accomplices, Thomas Ozimac.

The trial judge, the Honorable Walter R. Sohn, stated to the parole agent that he would not oppose the granting of commutation. The Assistant District Attorney advised the Board that his office was not opposed, for it was felt that this applicant was an easily influenced member of the group.

The penitentiary staff reports that the applicant has made excellent educational progress, has maintained a good attitude and has an unblemished disciplinary record.

The applicant has served more than one-half of his minimum sentence and the Board believes that this young man, who is now thirty-one years of age, and who had only a minor criminal record consisting of juvenile

offenses, can safely be released to society. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Daniel Tench, 4525-B, No. A-812, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Daniel Tench, convicted of murder in the second degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on March 29, 1949, computed from February 14, 1949 be commuted from 12 years to 9 years, 2 months, expiring on April 14, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until February 14, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Turza, B-7288, No. 7588, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of John Turza, convicted of murder in the first degree in the Court of Oyer and Terminer of Fayette County on June 28, 1940 be commuted from life imprisonment to 17 years, 10 months, expiring on April 28, 1958.

Our reasons for making this recommendation are as follows:

This applicant is forty-five years of age. It appears

that in December 1938, the applicant, together with two accomplices, became involved in the murder of a man in Connellsville, and was also accused of being involved in the death of a man in Scottdale. The group were all arrested, and a series of confessions and denials then ensued in which the applicant plead not guilty, stating that he was involved in the Scottdale murder only by reason of driving the two other men to that town, ignorant of the business of their trip, and that he was in no way involved with the murder in Connellsville. The jury found him guilty.

One of the accomplices, Clyde White, received a twenty to forty year sentence, and has since had his sentence commuted by the Board.

The trial judge, the Honorable W. Russell Carr, is still opposed to commutation, and the District Attorney advised the parole investigator that his office is opposed.

The penitentiary staff states that the applicant has made an excellent adjustment and has been granted an "A" Honor Rating, which is the highest achievement possible. The staff feels that this is a deserving case for clemency consideration.

The Board believes that this man, who has spent nearly twenty years of his life in prison, will not again offend against the laws of society. A home and job have been assured him, and he will be under parole supervision. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Benjamin Vanderpool, 6427-A, No. A-48, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Benjamin Vanderpool, convicted of burglary and larceny in the Court of Oyer and Terminer and Quarter Sessions of Bradford County on March 1, 1943, computed from December 18, 1944 be commuted from 20 years to 13 years, 4 months, expiring on April 18, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until December 18, 1964.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.

(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Albert Thomas Wagner, 80344, No. A-4415, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Albert Thomas Wagner, convicted of armed robbery in the Court of Oyer and Terminer of Allegheny County on June 27, 1957, computed from June 11, 1957 be commuted from 1½ years to 1 year, expiring on June 11, 1958.

Our reasons for making this recommendation are as follows:

This applicant is thirty years of age. It appeared that the applicant and his accomplice held up a gasoline station and forced the attendant to get into their automobile. The attendant was held in the car for a short time by the pressure of a knife held against his body by the applicant. About \$175.00 was stolen from the station. The attendant was later released unharmed.

The trial judge, the Honorable Swirls L. Himes, wrote the Board that he had no objection to commutation of the sentence. He pointed out that the applicant's family are now on public assistance and are trying to operate a farm without the help of the applicant. The Assistant District Attorney advised the Board that the application is slightly premature and his office, therefore, is opposed to the granting of commutation.

The staff of the Allegheny County Workhouse state that the applicant is fairly well oriented, and is cooperative, friendly and courteous. He has not violated any of the prison rules.

The Board is of the opinion that this applicant, who has a very minor criminal record, will, if he avoids excessive use of alcoholic beverages, not become involved in any further criminal offenses. His wife, who was present to plead for his release, believes he will not indulge any longer in alcoholic beverages. She stated he was a good father and husband and advised the Board he is badly needed on the farm. The Board, therefore, recommends that this applicant be released when he has completed one year of his sentence.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Herman Whyles, 1661-D, No. 7594, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommended that the maximum sentence of Herman Whyles, convicted of murder in the second degree in the Court of Oyer and Terminer of Cambria County on October 28, 1935, computed from February 11, 1939, be commuted from 20 years to 19 years, 2 months, expiring on April 11, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until February 11, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John R. Wilson, C-632, No. A-3565, February Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentences of John R. Wilson, convicted of burglary, in the Court of Oyer and Terminer of Allegheny County on April 30, 1948, computed from March 24, 1948, be commuted from 40 years to a new maximum sentence of 10 years, 1 month, expiring on April 24, 1958, and further recommend that the life sentence of John R. Wilson, convicted of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on September 14, 1948, be commuted from life imprisonment to a minimum term of 9 years, 7 months, 11 days, expiring on April 25, 1958.

Our reasons for making this recommendation are as follows:

This applicant, together with three accomplices, burglarized a dwelling and were surprised in their crime by the police. The police handcuffed the applicant and one of the accomplices, Edward DiPofi. DiPofi, while so handcuffed, drew a concealed revolver and shot two of the policemen, one of them fatally. The applicant and DiPofi were tried for murder and DiPofi was electrocuted in 1950. The applicant was sentenced to 20 to 40 years on the robbery, and to life imprisonment for the murder.

One of the trial judges, the Honorable John J. Kennedy, wrote the Board that he had no objection to the granting of commutation under the facts of the case, and, in fact, he "recommended" that a commutation be granted. The Assistant District Attorney, Louis Abromson, stated to the Board that his office had no objection to a commutation, for the applicant cooperated very well with the police at the trial.

The institutional staff reports that the applicant's record has been generally excellent, but that he is at present in poor health. He had a stroke in 1949 and is completely paralyzed on his right side. Likewise, he is suffering from

cancer of the colon, which developed in 1956. The Board was advised that the applicant at the present time is practically helpless. He will, however, reside with his mother, who has agreed to look after him. He will also receive disability compensation from the United States Government, by reason of an injury received in the war. He will, therefore, not be dependent upon public charity. The Board recommends that this applicant's sentences be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of David Aiken, E-5535, No. A-3182, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of David Aiken, convicted of assault being armed to rob; prison breach, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on June 5, 1945, computed from June 5, 1955, be commuted from 15 years to 2 years, 11 months, expiring on May 5, 1958.

Our reasons for making this recommendation are as follows:

This applicant, who is 61 years of age, was involved with numerous other prisoners in an escape from the Eastern State Penitentiary, using a tunnel which was dug under the wall of the prison. Three days after the escape, the applicant was apprehended by the police. Upon arrest for the escape, he was confined in the Philadelphia County Prison and while there, he made another escape and was apprehended a few hours later. For this latter offense he received a 10 to 20 years sentence, to follow the earlier 15 to 30 years sentence. The applicant had originally been sentenced to a term of five to ten years for armed robbery. The record indicates that the applicant has been confined for over 20 years, and he has had a satisfactory conduct record free from disciplinary violations, except for his two successful attempts to escape, one from the Eastern State Penitentiary and the other from the Philadelphia County Prison.

The man is now 61 years of age, and his potential for further criminal activity is being diminished each year of his life. The Board, therefore, recommends this sentence of 15 to 30 years, of which he has served over 12 years, be commuted, so that he may be paroled to commence service of his 10 to 20 years sentence.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
Voted—Not Signed—died
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Bellace, E-4239, No. A-4439, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Joseph Bellace, convicted of robbery in the Court of Quarter Sessions of Philadelphia County on February 2, 1954, be commuted from 5 years to 4 years 3 months, expiring on May 2, 1958.

Our reasons for making this recommendation are as follows:

The applicant is 24 years of age. He and two companions were drinking, and ran out of money, and decided to stage a hold-up. They held up a Real Estate office and got \$3.25. They then proceeded to spend that money for drinks and staged a second hold-up, in which they got a watch which they promptly pawned for \$7.00. The group all pled guilty. They were originally sentenced for terms of 10 to 20 years, but the Trial Judge reduced the sentence for each member of the group during term time to terms of five to ten years.

The Trial Judge, the Honorable Vincent A. Carroll, states that he is in favor of clemency and a commutation of the sentence. The District Attorney's office stated it was not opposed. The Penitentiary Staff states that the applicant has established a very good reputation during this, his first incarceration. The staff further states that he has demonstrated a capacity for adjustment while in prison, which makes the applicant an unusually meritorious case.

The Board has a letter from a prospective employer, indicating that the applicant will be given employment upon release. At present the applicant is employed on the prison farm, and has carried out his duties in a trustworthy manner.

The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
Voted—Not Signed—died
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Michael John Brabazon, No. 7530, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John Michael Brabazon, convicted of assault and battery, aggravated assault and battery, attempt to rape and ravish in the Court of Quarter Sessions of Philadelphia County on January 4, 1940; and further convicted of burglary in the Court of Quarter Sessions of Philadelphia County on February 2, 1943; and further convicted of larceny and receiving stolen goods in the Court of Quarter Sessions of Philadelphia County on March 1, 1949, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant is 43 years of age and pled guilty to the crime of burglary on the second day of February, 1943 and was sentenced for from three to twenty-three months to the Philadelphia County Prison, which he served. In June of 1939 he was arrested for indecent assault. In 1940, he

plead nolle contendre to assault & battery and assault & battery with intent to rape, and was sentenced to three years probation. In 1949, he plead guilty to the crime of larceny and was sentenced to eighteen months probation.

Since 1949, the applicant has conducted himself in a satisfactory manner. At present he and his wife are restaurant workers, and he desires to purchase a restaurant so that he and his wife can enter into this business together.

The trial judges for three various offenses are no longer on the bench. However, the District Attorney's office of Philadelphia County stated that it was not opposed to the granting of a pardon.

The Board is of the opinion that this applicant has conducted himself during the past eight years in a satisfactory manner. At present, his wife is the Manager of a Cafe, located at 1800 South 13th Street, Philadelphia, and the applicant desires to assist his wife in the management of the business and to further qualify as a bartender.

The parole agent reports that, although as a youth he was wild the applicant had a poor record, during the past five years he has stopped drinking, worked steadily, adequately supports his home, stays off the streets, and does not associate with anyone having a criminal record. This applicant attends church regularly with his family, and he enjoys a good reputation at present. He has lead a law-abiding life for the last four years.

The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
Voted—Not signed—died
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Lawrence Bridge, 3123-C, No. 9871, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Lawrence Bridge, convicted of sodomy in the Court of Oyer and Terminer and Quarter Sessions of Northumberland County on June 30, 1947, computed from May 9, 1947, be commuted from 18 years to 10 years, 11 months expiring April 19, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until May 9, 1965.

For the reason that this applicant has served a long time on parole, and the further reason that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.

(Sgd) THOMAS D. McBRIDE,

Attorney General.

(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Eurelio M. Cavalier, No. A-4473, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Eurelio M. Cavalier, convicted of receiving stolen goods in the Court of Oyer and Terminer and Quarter Sessions of Montgomery County, on March 4, 1955, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant, who is twenty-four years of age, was a student at the Philadelphia College of Pharmacy. While there, an employee of Sharp and Dohme sold him a box of drugs which had been stolen from that concern. The applicant in turn sold it to another man, and the proceeds of the sale were divided among all three. The applicant was fined \$10.00 and placed on probation for 18 months, but, despite the offense, was reinstated as a student at the College and is in the graduating class of June 1958. The Board was informed that he has made creditable marks, and is well regarded by his fellow classmates and the faculty, serving as Treasurer of his class.

The trial judge, the Honorable William F. Dannehower, stated: "This young man and his family are known to me and they bear a splendid reputation in our community. It is simply the story of a young student who needed additional money for his schooling and very foolishly succumbs to temptation . . . I have no objection whatever to the granting of a pardon in a case of this kind." The District Attorney's office was not opposed to granting a pardon.

The Board believes that the applicant's subsequent conduct has demonstrated his determination to live a law-abiding life and acquire for himself a reputable position in his community. The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

NOT SITTING

Lieutenant-Governor.

Voted, but not signed—died

Secretary of the Commonwealth.

(Sgd) THOMAS D. McBRIDE,
Attorney General.

(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

Commonwealth of Pennsylvania
Lieutenant Governor's Office

ROY E. FURMAN
Lieutenant Governor

April 10, 1958

To whom it may concern:

I, Roy E. Furman, Lieutenant Governor of the Commonwealth of Pennsylvania and Chairman of the Board of Pardons of said Commonwealth certify that an Executive Session of the Board of Pardons was held in the city of Philadelphia, Supreme Court Room, City Hall, following the Open Hearing of the Board considering the Ap-

plications for Pardon and Commutation of Sentences, on the 13th and 14th days of March, 1958. Attending the Executive Meeting of the Board following the said Open Session was James A. Finnegan, Secretary of the Commonwealth; Genevieve Blatt, Secretary of Internal Affairs; Thomas D. McBride, Attorney General; and Roy E. Furman, Lieutenant Governor and Chairman of the Board.

That upon the Application of Aurelio Cavalier, No. 3 on the March List, 1958, the vote in favor of Pardon was three in favor to wit: Finnegan, Blatt and McBride. Roy E. Furman was absent from the Open Hearing and therefore did not vote, although present at the Executive Session. In accordance with the Constitution, a favorable recommendation must receive 3 affirmative votes. Due to the illness and death of James A. Finnegan the signature of Mr. Finnegan could not be obtained, and I hereby certify that James A. Finnegan voted in the affirmative and his signature be attached to the reason nunc pro tunc.

ROY E. FURMAN

BOARD OF PARDONS

In re application of Roland Chambers, D-3969, No. A-120, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Roland Chambers, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on April 28, 1939, computed from December 8, 1938, be commuted from life imprisonment to 19 years, 5 months, expiring May 8, 1958.

Our reasons for making this recommendation are as follows:

The applicant, (who is 60 years of age), the victim, together with others, were drinking at a party. The applicant and the victim had been engaged in an argument, and the applicant evidently left the group, later returned and started firing a revolver, shooting 3 people, wounding one of them fatally, and two seriously. The applicant plead guilty. He had a prior criminal record of 14 arrests and 4 convictions for minor offenses.

The Trial Judge is no longer on the bench, and the President Judge of the court did not respond to our letter of inquiry. The District Attorney's office stated it was not opposed, because of the applicant's time served, his good penitentiary record, and the continued interest of his family in his welfare.

The penitentiary staff reports that the applicant has established and maintained an unblemished disciplinary record. At present he is in a poor physical state, suffering from a severe arterio-sclerosis involving every part of his body, including his brain; an active Duodenal ulcer; inactive syphilis of the brain and other portions of the body, and also inactive sarcoma involving the left shoulder and other portions of the body.

The applicant has spent nearly 20 years in confinement, and his age, together with the state of his health, preclude any chance of his actively engaging in any criminal activity.

The Board is assured that his family, who have shown great interest in him over the years, will continue to look after the applicant if he is released. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
Voted—Not signed—died
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Licando S. Coroniti, 6088-C, No. 7948, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Licando S. Coroniti, convicted of arson in the Court of Oyer and Terminer and Quarter Sessions of Northumberland County on April 12, 1943, computed from September 23, 1942, be commuted from 20 years to 15 years, 7 months, expiring on April 23, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved from further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until September 23, 1962.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Louis Dilella, D-5014, No. A-3081, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Louis Della, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on June 20, 1940, computed from August 16, 1939 be commuted from life imprisonment to 18 years, 8 months, 10 days, expiring on April 26, 1958.

Our reasons for making this recommendation are as follows:

The applicant is 69 years of age. It appeared that the applicant shot the victim in his own taproom and then went into an adjoining taproom and shot two persons there. The testimony indicated that the applicant was the aggressor throughout the entire proceedings. Although the applicant pled not guilty, and stated the victim had been molesting his daughter, there was no evidence at the trial that this was a fact.

The Trial Judge, the Honorable Joseph Sloane, did not express an opinion as to the merits of the case. The District Attorney's office stated to the Board that it was

not opposed, for further imprisonment would seem to serve no useful purpose.

The penitentiary staff states that this applicant has established and maintained an unblemished disciplinary record. At present, he is confined in the prison hospital because of a severe myocardial disease. He has spent nearly 19 years of his life in prison, and, because of his serious health condition and his age, it is unlikely that he will become involved in any criminal offense in the future.

The Board of Parole will supervise his conduct for the remaining years of his life and will work out with him a proper home and sponsor.

The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Richard Febo, E-311, No. A-2681, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Richard Febo, convicted of robbery, etc. in the Court of Quarter Sessions of Philadelphia County on April 29, 1948, computed from March 24, 1948 be commuted from 20 years to 10 years, 1 month, expiring on April 24, 1958.

Our reasons for making this recommendation are as follows:

The applicant is 29 years of age. He, together with three accomplices, was involved in over 22 hold-ups and burglaries between February, 1948, and March, 1948. The applicant pled guilty and was sentenced by the late Honorable Harry S. McDevitt to a term of 20 to 40 years. The accomplices of this applicant, Anthony Scoleri, Fred Scoleri, and Ralph DeAngelico, all received lengthy sentences, but, all have received a commutation of their minimum sentence and are now under parole supervision, conducting themselves in a lawabiding manner.

The Trial Judge is deceased, and the President Judge did not express his opinion as to the merits of the application. The District Attorney's office stated that it was not opposed, believing that this applicant should be on an equal footing with his accomplices, who have all been released from the penitentiary.

The Penitentiary Staff reports that this applicant has exhibited an increased capacity to conform during the recent years, although he had great difficulty in adjustment during earlier phases of confinement. At present he is conducting himself in a satisfactory manner and is employed in the printing shop and has an opportunity of an employment as a type-setter upon release.

The Board is of the opinion that this applicant should be placed on an equal footing with his accomplices, who have been released, and are now conducting themselves in a law-abiding manner. The Board, therefore, recommends that this sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

NOT SITTING

Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Adam Foster, Jr., E-1450, No. A-3506. January Session, 1958. (Recommended at the March 1958 Session)

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Adam Foster, Jr., convicted of burglary in the Court of Quarter Sessions of Philadelphia County on January 13, 1949 be commuted from 10 years to 9 years, 3 months, 10 days, expiring on April 23, 1958.

Our reasons for making this recommendation are as follows:

The applicant is 33 years of age. He and nine or more accomplices were involved in a series of over 20 burglaries in Philadelphia County. He pleaded guilty to the offenses, and together with his accomplices, was sentenced by the late judge Harry S. McDevitt to a term of 10 to 20 years. In 1948 the applicant received a one-half year sentence for burglary, and, when his accomplices were arrested later on, he was sentenced for an additional 10 to 20 years. The applicant actually has been in prison since 1948. Over the years, seven of his nine accomplices has had their sentences commuted.

The Trial Judge is deceased, and the Honorable Judge Joseph S. Kun did not respond to our letter of inquiry. The District Attorney's office wrote the Board that it is withdrawing its opposition to a commutation, although at first it had expressed opposition. The Penitentiary Staff states that he is credited with attempts a self-improvement for enrolling in the music school and taking correspondence courses. The psychological report states that he has matured during confinement.

The Board is of the opinion that this applicant, having spent ten years in prison and having but two years yet to serve, is deserving of the clemency of the Commonwealth, and there is every reason to believe that, having made serious attempts at self-improvement during his confinement, he will lead a law-abiding life upon release.

The Board, therefore, recommends that this sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Ross Foster, No. A-3061, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due

public notice, in open session, the undersigned members of the Board of Pardons recommend that Ross Foster, convicted of robbery, "being armed with an offensive weapon with other persons, in the Court of Oyer and Terminer of Montgomery County, on February 29, 1952, be pardoned.

Our reasons for making this recommendation are as follows:

This applicant, who is 41 years of age, was accused of holding up a taxi-cab driver, together with an accomplice by the name of Clark. The taxi-cab driver was severely beaten and suffered numerous stab wounds. The applicant plead not guilty and stoutly denied any participation in this offense, but he was convicted by Clark's testimony and served a minimum sentence of five years, being released on parole July 8, 1957, at the end of his minimum sentence of five years, being released on parole July 8, 1957, at the end of his minimum term. Since his release, the applicant has had an opportunity to prove that his allegations of innocence are substantial. His conviction was based on the testimony of Clark, who had fled to the State of Indiana, where he was arrested, convicted and sentenced to a term of 10 to 25 years for the offense committed there. Clark, while under sentence in Indiana, recanted his previous testimony and exonerated Foster of any participation in the crime. Clark had also involved the applicant in the murder of a Philadelphia citizen, prior to this offense, but investigation demonstrated that the applicant had nothing to do with that crime at all. It was indicated to the Board that Clark was probably a psychopathic liar.

The Trial Judge, the Honorable George C. Corson, did not express his opinion as to the merits of the case. The President Judge, the Honorable William F. Dannehower, however, stated to the parole agent that he had no objection to the granting of a pardon. The District Attorney of Montgomery County stated he was not opposed.

At the present time the applicant is employed in the Reading Terminal Market, and is studying for the ministry in the Philadelphia School of The Bible.

An affidavit was submitted to the Board, together with transcripts of testimony, and other reliable documents, all of which indicated that the applicant suffered from the wilful mis-statements of his alleged accomplice, Clark.

The Board is persuaded that the applicant is probably innocent of the crime and was only charged with it because Clark did not like the applicant and deliberately sought to involve him in the offense of which Clark alone was guilty. The applicant served five years in prison with a good record and has maintained a good record while on parole. The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
Voted—Not Signed—died
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Marcelino Gonzales, E-5781, No. A-4319, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Marcelino Gonzales, convicted of robbery, and being armed with an offensive weapon in the Court

of Oyer and Terminer and Quarter Sessions of Montgomery County on September 16, 1955, computed from August 25, 1955, be commuted from 3 years to a minimum term of imprisonment of 2 years, 11 months, 29 days, expiring on August 24, 1958 and further recommend that the minimum sentence of Marcelino Gonzales, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on September 27, 1956, be commuted from 3 years to a minimum term of imprisonment of 1 year, 10 months, 28 days, expiring on August 25, 1958.

Our reasons for making this recommendation are as follows:

This applicant is 28 years of age. He and three accomplices had all been drinking, stopped at a gas station and held up the attendant. In the course of this offense, the attendant was struck over the head and slightly injured. As they were leaving the station, a policeman drove into the gas station, observed what was occurring, gave chase to the group, and arrested them. Just prior to this offense, on the same evening, the group had held up another gas station in Philadelphia County and robbed the attendant of \$194.00, holding him at bay with a thirteen inch butcher knife pressed against his stomach.

The applicant, together with his accomplices, was first sentenced to a term of 3 to 6 years in Montgomery County. About a year later, all were sentenced for the Philadelphia County offense to terms of 3 to 6 years, to run concurrently with the Montgomery County sentences. The applicant, therefore, is really serving a 4½ to 9 year sentence.

The Trial Judge from Montgomery County, the Honorable William F. Hannehower, stated to the parole agent that he has no objection to clemency in this case. The District Attorney's office of Montgomery County, however, was opposed. In the Philadelphia County offense, the Trial Judge, the Honorable Edward Leroy VanRoden, did not express an opinion as to the merits of the case. The District Attorney's office of Philadelphia County, however, stated that it was opposed to clemency.

The penitentiary staff reports that this applicant has made a very satisfactory adjustment, and that definite attempts at self-improvement are evident. He has had an unblemished disciplinary record.

The Board recommends that this applicant's sentence be commuted at the expiration of 3 years.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
Voted—Not Signed—died
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Douglas F. Gore, 7703-B, No. A-4466, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Douglas F. Gore, convicted of assault with intent to rob, robbery by force, etc., in the Court of Quarter Sessions of Delaware County on November 2, 1950, computed from October 2, 1950, be commuted from 10 years to 7 years, 6 months, 20 days, expiring on April 22, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the

applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until October 2, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Leroy William Henry, E-6215, No. A-4450, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Leroy William Henry, convicted of burglary and larceny, in the Court of Oyer and Terminer of Montgomery County, on February 10, 1956, computed from January 25, 1956, be commuted from 4 years to 2 years, 6 months, expiring on July 25, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 30 years of age, accompanied by his brother, entered the Norris Theatre in Norristown, at closing time, and hid in the theatre. They broke open the vending machines and stole money therein and then tried to open the safe in the theatre office. The police entered the theatre and arrested them in act of breaking open the safe.

The Trial Judge, the Honorable William F. Dannehower, stated to the parole agent that he had no objection to clemency and felt that the applicant was ready for release. The District Attorney's office of Montgomery County was opposed to clemency. The Penitentiary Staff stated that this applicant, who had no previous criminal record, has made a serious attempt at self-improvement, that his family have been closely associated with him, and thus, he is anxious to return home and look after his wife and four children. The applicant is a roofer by trade, and his work record previous to his arrest was very good.

The Board is of the opinion that this applicant has been sufficiently punished and that further incarceration would serve no useful purpose in his rehabilitation.

The Board, therefore, recommends that his sentence be commuted in two and one-half years, following the effective date of imprisonment.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
Voted—Not Signed—died
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John A. Lagana, D-5003, No. 9676, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of John A. Lagana, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on June 19, 1940, be commuted from life imprisonment to 17 years, 10 months, 10 days, expiring on April 29, 1958.

Our reasons for making this recommendation are as follows:

The applicant is 54 years of age. It appears that he and his accomplices had information that a Mr. John Morrison of Philadelphia, had concealed in his apartment \$15,000 to \$20,000. The applicant and the group entered the apartment and found a Mrs. Flannery, the housekeeper, present. The group bound and gagged the woman and after searching the apartment and failing to find the money, left her gagged and bound. She was unable to call for help and when Mr. Morrison returned to the apartment late that evening, he found the dead body of the housekeeper. The victim had died from suffocation.

The four accomplices of the applicant, the record is: one is dead, another had his life sentence commuted, later was deported to Italy and died there, and the two women involved received short sentences in the Philadelphia County Prison.

One of the Trial Judges, The Honorable Gerald F. Flood, stated that he had no recommendation to make in this case. Another of the judges, the Honorable Byron A. Milner, wrote that he was opposed to a commutation. The district attorney's office of Philadelphia County stated they were not opposed to a release of this prisoner after serving nearly 18 years of a life sentence.

The penitentiary staff reports that the applicant has made a very satisfactory adjustment. He has revealed by his school achievements, his clear conduct record, work stability, and excellent work in the penitentiary, adequate rehabilitation.

The Board is informed if the applicant is released, that he is assured of employment by the Brenner Oil Co. of Norfolk, Va. Likewise, a produce man in Norfolk writes the Board that Mr. Lagana was a very capable produce man and that he too, would assist him in acquiring gainful employment.

The Board is of the opinion that this applicant, who has served almost 18 years of his life sentence, is deserving of the clemency of the state, and therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
Voted, but not signed—died
Secretary of the Commonwealth.
(Sgd) NOT SITTING
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

Commonwealth of Pennsylvania
Lieutenant Governor's Office

ROY E. FURMAN
Lieutenant Governor

April 10, 1958

To whom it may concern:

I, Roy E. Furman, Lieutenant Governor of the Com-

monwealth of Pennsylvania and Chairman of the Board of Pardons of said Commonwealth certify that an Executive Session of the Board of Pardons was held in the city of Philadelphia, Supreme Court Room, City Hall, following the Open Hearing of the Board considering the Applications for Pardon and Commutation of Sentences, on the 13th and 14th days of March, 1958. Attending the Executive Meeting of the Board following the said Open Session was James A. Finnegan, Secretary of the Commonwealth; Genevieve Blatt, Secretary of Internal Affairs; Thomas D. McBride, Attorney General; and Roy E. Furman, Lieutenant Governor and Chairman of the Board.

That upon the application of John A. Lagana, No. 38 on the March List, 1958, the vote in favor of commutation of the minimum sentence was three in favor, to wit: Finnegan, Blatt and Furman. That Thomas D. McBride disqualified himself from voting because of an interest in representing an accomplice of Lagana, the applicant. In accordance with the Constitution, a favorable recommendation must receive 3 affirmative votes. Due to the illness and death of James A. Finnegan the signature of Mr. Finnegan could not be obtained, and I hereby certify that James A. Finnegan voted in the affirmative and his signature be attached to the reason nunc pro tunc.

ROY E. FURMAN

BOARD OF PARDONS

In re application of Abraham Litman, No. A-2995, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Abraham Litman, convicted of illegal lottery in the Court of Quarter Sessions of Philadelphia County on April 6, 1936; and further convicted of possession of untaxed liquor in the Court of Quarter Sessions of Philadelphia County on February 24, 1940; and further plead guilty to gambling in the Court of Quarter Sessions of Philadelphia County on September 4, 1944; and further convicted of assault and battery in the Court of Quarter Sessions of Philadelphia County on March 7, 1952, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant is 46 years of age. Between the years of 1933 and 1952, he was involved in about eleven minor offenses, largely gambling and lottery. At no time was he given a prison sentence. However, he was placed on probation for the 1950 offense of assault and battery for one year, and in 1952 he was sentenced for assault and battery and given two years' probation. Since 1952, the applicant has not been involved in any major or minor criminal offenses, and he is at present a manager at 13th & South Streets, Philadelphia.

The applicant is desirous of clearing his name so that he may be able to progress in business, and further, for the sake of his wife and children, that he may have a clear record.

The Board, therefore, recommends that the clemency of the Commonwealth be extended and that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
Voted—Not Signed—died
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph E. Manion, Jr., E-3566, No. A-4085, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Joseph E. Manion, Jr., convicted of robbery, armed robbery, etc., in the Court of Quarter Sessions of Philadelphia County on March 5, 1953, computed from July 27, 1952, be commuted from 10 years to 5 years, 9 months, expiring on April 27, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 36 years of age, held up a cigar store and a grocery store, and a week later, another small business place, all with a toy pistol. The loot amounted to about \$300. The applicant plead guilty.

The Trial Judge, the Honorable Joseph L. Kun, wrote the Board that he would rely upon them for the best determination of the application. The District Attorney stated that his office was not opposed to the application although a year ago it had expressed opposition, basing it on the mental condition of the applicant.

The Board has information that, upon his admittance to the institution, the applicant was found to be mentally disturbed, but the psychiatrist, Dr. J. B. Teater, M.D., reported that he has overcome his mental disturbance and that he has demonstrated a satisfactory adjustment. "There have been no behavior problems or serious medical needs, and, in the opinion of this examiner, there is no medical deterrent to the consideration of this case by the Board," Dr. Teater stated.

The Penitentiary Staff stated that the applicant has shown evidence of self-improvement and has had no disciplinary record.

The Board is of the opinion that this applicant, having served about half of his minimum sentence, is deserving of the clemency of the Commonwealth in view of his adjustment and behavior. He has had no previous criminal record, and the Board believes that he will live a law-abiding life in the future. The Board, therefore, recommends that this applicant's sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
Voted—Not Signed—died
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Merle P. Mercer, 537-D, No. A-4469, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Merle P. Mercer, convicted of robbery while armed in the Court of Oyer and Terminer of Huntingdon County on March 27, 1944, computed from February 27, 1944, be commuted from 16 years to 14 years, 2 months, expiring on April 27, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on

the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until February 27, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Gary Lee Moore, No. A-4411, February Session, 1958 (Recommended at the March 1958 Session).

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Gary Lee Moore, convicted of larceny in the Court of Quarter Sessions of Butler County, on August 31, 1955 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant, who is twenty-two years of age, was released on parole from the Pennsylvania Industrial School in November of 1956. He and his accomplice stole a quantity of building materials from a building site and, in a stolen truck, hauled this material away. The group, all young men under twenty-one years of age at the time of the offense have been paroled or are on probation.

None of the boys involved in this offense are confined in any prison or penitentiary. The applicant and one of his accomplices, Robert Webb, were members of an Artillery Regiment of the Pennsylvania National Guard. The Captain of the Battery came before the Board in behalf of the applicant, pleading that his military service and value were such that he was personally urging a pardon in order that the applicant may again resume his noncommissioned officer's status in the National Guard.

The applicant is employed by the McLean Floor Sanding Company of Pittsburgh, and that company reports that he is an excellent workman and is making an effort to conduct himself as a law-abiding citizen.

The trial judge, the Honorable Clyde S. Shumaker, did not respond to our inquiry as to the merits of this application. The District Attorney's office of Butler County stated to the parole agent that it was not opposed to a pardon.

The Board is recommending a pardon for the applicant for the reason that this was his first offense; that his conduct since release has been excellent; that his work effort to adjust in society is most commendable; and that his desire to again become active in the Pennsylvania National Guard as a valuable member of that organization should be encouraged by the Commonwealth. The Board, therefore, recommends a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

NOT SITTING

Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Emidio Mucella, D-4583, No. 9431, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Emidio Mucella, convicted of murder in the first degree in the Court of Quarter Sessions of Philadelphia County on January 11, 1940, computed from May 1, 1939, be commuted from life imprisonment to 19 years, expiring on May 1, 1958.

Our reasons for making this recommendation are as follows:

This applicant, who is 55 years of age, is one of the group involved in the famous arsenic murders in Philadelphia some years ago. It appears that the applicant conspired with the wife of the victim to heavily insure the victim. Later, the applicant procured arsenic poison which was given to the victim who died, \$2700 insurance was collected on his life, which was divided between the applicant and the victim's wife.

The Trial Judge, the Honorable Francis Shunk Brown, Jr., wrote the Board that he is opposed to the granting of a commutation. The District Attorney's office stated it was not opposed. The accomplices of the applicant were all sentenced, the wife of the victim receiving a 3 to 10 years sentence, and the other members of the group receiving life sentences.

The Penitentiary Staff reported that the applicant has demonstrated unusual stability and adjustment capacity, and that the applicant's case is worthy of special consideration. At present he is employed in the kitchen as a baker.

The Board believes that this applicant is fully adjusted and, if released, will never become involved in any criminal offenses. He will be under the supervision of the Board of Parole, and his parole program will be investigated and supervised before and after his release.

The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
Voted—Not Signed—died
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Lawrence Page, 11-C, No. A-4468, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommended that the maximum sentence of Lawrence Page, convicted of burglary and larceny in the Court of Oyer and Terminer of Clinton County on August 20, 1946, computed from August 14, 1946, be commuted from 12 years to 11 years, 8 months, 10 days, expiring on April 24, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until August 14, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Stuart E. Phelps, C-1376, No. A-2750, February Session, 1958. (Recommended at the March 1958 Session)

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Stuart E. Phelps, convicted of burglary in the Court of Oyer and Terminer of Allegheny County on September 28, 1949, computed from September 15, 1949 be commuted from 30 years to 8 years, 7 months, 10 days, expiring on April 25, 1958.

Our reasons for making this recommendation are as follows:

The applicant is 34 years of age. He, without accomplices, committed over 35 burglaries in Allegheny County during the year of 1949. The applicant plead guilty and was sentenced to 15 to 30 years in the Western State Penitentiary. The Board recommended and the Governor approved a commutation of his minimum sentence to five years, fifteen months, expiring as of February 15, 1955.

Since his release on parole, the applicant has conducted himself in a very satisfactory manner, according to the Board of Parole. At present he is employed as a laboratory technician at the St. John's Hospital, Pittsburgh. He receives a salary of \$375.00 a month and has a good chance for advancement. He is married and, from all reports, has proved to be a good husband and provider.

The applicant stated that he was anxious to move to California where he has an offer of employment from a large laboratory, and desires to be relieved from further supervision if he accepts the employment offer in California.

The Trial Judge, the Honorable William H. McNaugher, stated that he was opposed to this commutation in 1955 and has nothing further to add to his remarks relative to commutation. The District Attorney's office is not opposed to a commutation, and the Parole Board has no

objection to termination of parole upon commutation of his maximum sentence.

The Board, therefore, recommends that his maximum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Brady Pratt, Jr., 5327-B, No. A-4467, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Brady Pratt, Jr., convicted of larceny of auto in the Court of Quarter Sessions of Fayette County on July 31, 1945, computed from June 9, 1945 be commuted from 15 years to 12 years, 10 months, 10 days, expiring on April 19, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until June 9, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Rohne, D-5405, No. 9905, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of John Rohne, convicted of murder in the first degree in the Court of Quarter Sessions of Philadelphia County on December 3, 1940, computed from May 5, 1940 be commuted from life imprisonment to 18 years, expiring on May 5, 1958.

Our reasons for making this recommendation are as follows:

The applicant is 47 years of age. It appeared that he was in an altercation with his girlfriend over her attention to another man. The applicant fatally stabbed her. He pled not guilty but was adjudged guilty by the jury, and sentenced to life imprisonment.

The Trial Judge, the Honorable Joseph L. Kun, did not reply to our letter of inquiry. The District Attorney's office is not opposed to the granting of this application.

The Penitentiary Staff says of the applicant: "He has established an unblemished disciplinary record and has performed most adequately his work, on a job of trust." All institutional reports are excellent and he is considered to have an outstanding record at the Eastern State Penitentiary.

The Board believes that an applicant who has conducted himself so splendidly and is regarded at the institution as an outstanding inmate, is deserving of recognition and consideration for clemency. The applicant had a minor criminal record prior to this offense, but the Board is persuaded that this applicant will never again offend the laws of the Commonwealth.

The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
Voted—Not Signed—died
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Fred Charles Sampona, E-0280, No. A-1934, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Fred Charles Sampona, convicted of burglary; burglary, larceny, receiving stolen goods in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on April 1, 1948, computed from April 7, 1948 be commuted from 12½ years to 10 years, 1 month, expiring on May 7, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 43 years of age, with two accomplices, entered five or six business places in Philadelphia and stole money and merchandise to the value of over \$5,000.

The Trial Judge is deceased and the District Attorney's office of Philadelphia County stated that its office is not opposed to a commutation.

The Penitentiary Staff states that the institutional adjustment of the applicant has been among the best. His work and conduct are all above average, and it is felt that this is an unusually meritorious case.

The applicant had a minor criminal record before this present sentence. His accomplices, however, each received sentences of 25 to 50 years, due to their lengthy criminal records.

The Board is of the opinion that this man, having served about 85 per cent of his minimum sentence, is worthy of consideration, particularly in view of the fine adjustment that he has made in the institution. The Board is confident that he will live a law-abiding life in the future. He has been assured of employment and he will reside with his parents.

The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
Voted—Not Signed—died
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Nicholas Stampone, No. A-4464, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Nicholas Stampone, convicted of contributing to delinquency of a minor child and fornication in the Court of Quarter Sessions of Philadelphia County, on February 19, 1951 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant is thirty years of age. He was about twenty-one years of age at the time he had sexual relationship with two girls, each under eighteen years of age.

The applicant had no prior criminal record, and, since 1951, he has conducted himself in a law-abiding manner. At present, he is married and has one child.

The applicant is employed in the Traffic Court of the City of Philadelphia, and the report from his immediate supervisor is excellent. The applicant has several employees under his immediate supervision, and they all hold the applicant in high regard.

The Board believes that this man, who made a mistake in his young manhood and has since proven his ability to live a good moral life, and has acquired a position of trust and responsibility in the city government, is deserving of favorable consideration.

The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
Voted—Not Signed—died
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Peter F. Stampone, No. A-4465, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Peter F. Stampone, convicted of contributing to the delinquency of minor, fornication in the Court of Quarter Sessions of Philadelphia County, on February 19, 1951 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant, who is twenty-seven years of age, together with his brother, was charged with contributing to the delinquency of a minor. At the time of this offense, the applicant was nineteen years of age. He had sexual relationship with two girls, each under eighteen years of age.

The trial judge, the Honorable Gerald F. Flood, wrote the Board that he had no comments relative to the merits of the case and that the conduct of the applicant while on probation was satisfactory.

The applicant is married and has two children. At present, he is employed as a packer by the United Motors Service Company in Philadelphia. Inquiry at his place of employment revealed that the applicant has been employed by this firm for the past six years, and is considered a good worker and dependable.

The applicant has conducted himself in a very satisfactory manner since this offense, which was his first involvement in any criminal activity, and has demonstrated that he is fully adjusted. He seems to have every quality necessary to become a good and substantial citizen.

The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
Voted—Not Signed—died
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of A. Lewis Williams, E-7461, No. A-4442, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of A. Lewis Williams, convicted of burglary in the Court of Quarter Sessions of Monroe County on May 8, 1957 be commuted from 1½ years to 1 year, expiring on May 8, 1958.

Our reasons for making this recommendation are as follows:

The applicant is 32 years of age. He and two accomplices entered various cottages in the Pocono Mountain Resort area, stealing food, clothing, bedding, etc., to the value of about \$1200. The applicant pled guilty.

The Trial Judge, the Honorable Fred W. Davis, wrote the Board that he had no information relative to the applicant and, therefore, could make no recommendation, favorable or unfavorable. The District Attorney stated to our parole agent that his office was not opposed to a commutation. The Penitentiary Staff stated that this applicant is a first offender and his adjustment has been excellent in every respect. He has made sincere efforts at self-improvement, and it was the unanimous opinion of the Penitentiary Staff that both the applicant and society will benefit by favorable clemency consideration.

The Board is in receipt of letters from prominent citizens of Monroe County, such as the former District Attorney, Elmer Christine; the Register of Wills; a former State Senator, Montgomery F. Crowe; and the present member of the General Assembly, H. L. Cleveland—all testifying as to the good reputation of the applicant.

The Board believes that this young man has been suf-

ficiently punished, will not again become an offender, and will live a law-abiding life if released. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
Voted—Not Signed—died
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Andrew Williams, 9157-B, No. A-4066, March Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Andrew Williams, convicted of assault and robbery in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on October 30, 1951, computed from September 20, 1951 be commuted from 10 years to 6 years, 7 months, expiring on April 20, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until September 20, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JAMES A. FINNEGAN,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Annonio, Raymond, C-1175, No. A-166, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Raymond Annonio, convicted of robbery, armed with an offensive weapon; robbery with accomplice, in the Court of Quarter Sessions of Westmoreland County on June 21, 1949, computed from May 20, 1949, be commuted from 11 years to 9 years, 1 month, 7 days expiring June 27, 1958 and further recommend that the

maximum sentence of Raymond Annonio, convicted of burglary, in the Court of Oyer and Terminer of Allegheny County on June 26, 1950, to be served consecutively, be commuted from 2 years to 1 day expiring on June 28, 1958 and further recommend that the maximum sentence of Raymond Annonio, convicted of burglary and larceny in the Court of Oyer and Terminer of Washington County on November 1, 1954, to be served consecutively, be commuted from 3 years to 1 day expiring on June 29, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 55 years of age, was involved with an accomplice, in a series of hold-ups of dwelling houses and business places. He was sentenced to 11 to 40 years in Westmoreland County, to 1 to 2 years in Allegheny County and 1 to 3 years in Washington County. All of these sentences are consecutive. He has served approximately 9 years.

The trial judge, the Honorable George H. McWherter, in Westmoreland County, is deceased. The President Judge, the Honorable John M. O'Connell, stated to the Parole Agent that he had no objection to the granting of clemency. Likewise, the District Attorney of Westmoreland County stated he had no objection to the commutation of the sentence. Judge McNaugher of Allegheny County stated that the applicant should serve his minimum sentence. The District Attorney of Allegheny County did not oppose the commutation. In Washington County, the Honorable Roy I. Carson, stated that the applicant should serve his minimum sentence. Likewise, the District Attorney's office of Washington County stated to the parole agent that it was opposed to the granting of the application.

The Prison Staff of the Western State Penitentiary stated that the applicant's overall institutional adjustment has been satisfactory; that he has maintained a clear conduct record and advanced himself adequately, and that this seems to be the optimal time for his release under parole supervision. The applicant has attended classes in printing, typing, and sign painting, and has completed thirty-one Penn State Agricultural courses.

It may be noted that the applicant's accomplice, Charles Price, had his sentence commuted in 1951, and that he was paroled in January 1952.

The Board is of the opinion that this applicant by his industry, and his attempts to rehabilitate himself through educational work, has indicated a resolution to live a law-abiding life. Although he had a prior criminal record, he is still a young man and the Board believes he has demonstrated his determination to live a good life in the future and avoid criminal associations.

The Board, therefore, recommends that all sentences be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Richard Thomas Bainbridge, E-2826, No. A-4040, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Richard Thomas Bainbridge, convicted of

burglary and larceny; burglary in the Court of Oyer and Terminer of Schuylkill County on February 25, 1952, computed from December 27, 1951, be commuted from 10 years to 6 years, 6 months expiring on June 27, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 28 years of age, broke into three gasoline stations and a clothing store, together with an accomplice, burglarizing these establishments and taking cash and merchandise valued at \$1,800 to \$2,000.

While the applicant was confined in the Schuylkill County Prison, the Warden received information that certain prisoners were about to stage a demonstration. In the prompt measures taken by the Warden to avoid the demonstration, it was revealed that the applicant, together with an accomplice, was involved. The applicant was transferred to the Eastern State Penitentiary, and later, to the penitentiary at Graterford.

The Prison Staff at Graterford reported that the applicant earned a position of trust and that they consider this case to be unusually meritorious.

The trial judge, the Honorable Cyrus M. Palmer, wrote the Board that he has no objection to granting clemency. The District Attorney of Schuylkill County, however, advised the Parol Agent that he was opposed.

The Board believes that this applicant, who is under the supervision of the authorities at Graterford and who has received from that staff a recommendation for clemency, has apparently shown evidence of rehabilitation. The Board believes that, inasmuch as he had only a minor prior criminal record and has satisfactorily served 6 years of a 10 years minimum term, he will not again offend against the laws of society if released.

The Board, therefore, recommends that the minimum sentence of this applicant be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Edward Barron, 4112-A, No. 8317, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Edward Barron, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on March 28, 1939, computed from February 15, 1939, be commuted from 40 years to 19 years, 3 months, 15 days, expiring on May 30, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until February 15, 1979.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Brzyszczy, 1603-B, No. A-4498, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of John Brzyszczy, convicted of burglary, receiving stolen goods, in the Court of Quarter Sessions of Philadelphia County on April 22, 1946, computed from April 10, 1946, be commuted from 20 years to 12 years, 1 month, 20 days, expiring on May 30, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until April 10, 1966.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Carey, 5344-B, No. A-42, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of William Carey, convicted of armed to rob, etc., in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on June 20, 1940, computed from June 13, 1940, be commuted from 40 years to 17 years, 11 months, 17 days, expiring on May 30, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on

the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until June 13, 1980.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Eugene Lewis Clark, 589-B, No. A-4519, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Eugene Lewis Clark, convicted of burglary, larceny, in the Court of Oyer and Terminer of Clinton County on July 25, 1949, computed from July 7, 1949, be commuted from 10 years to 8 years, 10 months, 20 days, expiring on May 27, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until July 7, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John H. Clark, C-4275, No. A-4525, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due

public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John H. Clark, convicted of assault and battery with intent to kill, in the Court of Oyer and Terminer and Quarter Sessions of Westmoreland County on November 20, 1956, computed from November 14, 1956, be commuted from 3 years to 1 year, 7 months, 10 days, expiring on June 24, 1958.

Our reasons for making this recommendation are as follows:

It appears that the applicant, his father, and his brother, became involved in an argument which led to a fight when the landlord and two other men interfered with their moving their household furnishings from the house which they were renting. During the melee, one of the victims was severely cut with a knife and suffered internal injuries. The father of the applicant was acquitted and the brother of the applicant was given a three year suspended sentence. The applicant received a 3 to 6 years sentence.

The trial judge, the Honorable Richard D. Laird, is retired, and the President Judge, the Honorable John M. O'Connell, stated to the Parole Agent that he would rely upon the Board for any decision they cared to take. The District Attorney, Earl S. Keim, wrote the Board that any action of the Board would be satisfactory to his office. The Prison Staff wrote that the applicant has compiled a completely satisfactory institutional record, and, in view of his being a first offender, it recommended that he be given favorable clemency consideration.

The applicant has served about one year and six months of a three year minimum sentence, and having had no prior criminal record, it is the opinion of the Board, that he is deserving of clemency. His institutional record and his evident rehabilitation indicate that he will, if released, conduct himself as a law-abiding citizen.

The Board, therefore, recommends that this sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Clyde W. Corbin, 8475-B, No. A-4520, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Clyde W. Corbin, convicted of robbery, in the Court of Quarter Sessions of Delaware County on March 20, 1951, computed from December 18, 1950, be commuted from 10 years to 7 years, 5 months, 10 days, expiring on May 28, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until December 18, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of

Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Marvin W. Cottom, 8328-B, No. A-4521, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Marvin W. Cottom, convicted of assault with intent to rob, in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on March 20, 1951, computed from December 16, 1950, be commuted from 10 years to 7 years, 5 months, 10 days, expiring on May 26, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until December 16, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Robert DiLeonardo, 7634-D, No. A-77, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Robert DiLeonardo, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Northumberland County, on September 8, 1947, computed

from July 18, 1947 be commuted from 15 years to 10 years 10 months 10 days expiring on May 28, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until July 18, 1962.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of David J. Disque, 8562, No. 843, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of David J. Disque, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on April 25, 1923 be commuted from life to 35 years 1 month expiring on May 25, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until end of life.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Doty, 514-C, No. 8544, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Joseph Doty, convicted of burglary and larceny in the Court of Oyer and Terminer and Quarter Sessions of Susquehanna County on January 27, 1941, computed from January 1, 1941 be commuted from 30 years to 17 years, 4 months, 29 days expiring on May 30, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until January 1, 1971.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Raymond Dugan, B-6534, No. 846, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the Minimum sentence of Raymond Dugan, convicted of robbery, receiving stolen goods in the Court of Oyer and Terminer of Allegheny County on January 20, 1939, computed from November 25, 1938 be commuted from life imprisonment to 19 years, 7 months, expiring on June 25, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 53 years of age, was involved with accomplices in a series of robberies. In one of the robberies they held the driver of an automobile as hostage. When arrested, the applicant drew his gun and shot at the arresting police. He was given a life sentence.

The applicant has been in and out of the state courts and federal courts since 1940 appealing his sentence. His accomplices have all been paroled.

The trial judge, the Honorable John J. McGrath, wrote the Board that he will be satisfied with any action the Board sees fit to take. The District Attorney of Allegheny County stated to the Board that he was not opposed to the commutation of the sentence.

The Prison Staff stated that he has made a generally satisfactory adjustment throughout the years. He appears to have mellowed and sobered with advancing age.

Although this applicant has a prior criminal record involving serious offenses, it is believed that the 19½ years

of his imprisonment have so far lessened his criminal tendencies that he will conduct himself as a law-abiding citizen in the future. His age, together with his institutional training, will act as a restraint upon further criminal activity. When released, of course, he will be under the supervision of the Board of Parole for the remainder of his life.

The Board, therefore, recommends that his life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant Governor
NOT SITTING
Secretary of the Commonwealth
(Sgd) THOMAS D. McBRIDE,
Attorney General
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Hueston Dunbar, 5442-B, No. A-4489, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the Maximum sentence of Hueston Dunbar, convicted of murder in the second degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on September 28, 1949, computed from June 20, 1949 be commuted from 10 years to 8 years, 11 months, 10 days, expiring on May 30, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until June 20, 1959.

For the reason that this applicant has served a long time on parole, and the further reason that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant Governor
NOT SITTING
Secretary of the Commonwealth
(Sgd) THOMAS D. McBRIDE,
Attorney General
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Charles Ford, D-7582, No. A 3474, March Session, 1958. (Recommended at the April 1958 Session).

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due

public notice, in open session, the undersigned members of the Board of Pardons recommend that the Life sentence of James Charles Ford, convicted of murder in the first degree in the Court of Oyer and Terminer of Philadelphia County on January 24, 1944, computed from September 22, 1943 be commuted from life imprisonment to 14 years, 9 months, expiring on June 22, 1958.

Our reasons for making this recommendation are as follows:

This applicant, who is fifty-four years of age, was sentenced on a murder charge. A small debt had been owed him for about six months by the victim, and the applicant frequently asked the victim to return this money. He met the victim one day in a restaurant, and again asked for repayment. The victim reached in his pocket, and the applicant then drew a gun and fatally shot the victim. The applicant had been involved in prior criminal offenses, both in Pennsylvania and New York State.

The Trial Judge, the Honorable Vincent A. Carroll, reiterated his position taken in 1936 in that he felt that the application should not be granted. The District Attorney's office of Philadelphia County stated to the Board that it was not opposed to a commutation.

The Prison Staff of the Eastern State Penitentiary stated that the applicant is an outstanding prisoner who has performed most adequately in a job of trust. The Staff felt that the prisoner is now mature and has gained control of his emotions. The Penitentiary Magazine, known as the "Eastern Echo" has a laudatory article regarding this applicant in the December 1957 issue. He is a runner for the Warden of the Penitentiary, and, in that position, holds a most trusted job. The full confidence of the institution has been placed in him and he has never violated their confidence.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant Governor
NOT SITTING
Secretary of the Commonwealth
(Sgd) THOMAS D. McBRIDE,
Attorney General
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Charles Ford, E-7582, No. A 3474, March Session, 1958. (Recommended at the April 1958 Session).

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The Board is of the opinion that this applicant, who has served nearly fifteen years of a life sentence and has demonstrated his ability to rehabilitate himself, can safely be released to society. He will be under the supervision of the Board of Parole for the remainder of his life, and the Board is confident that he will never again violate the law.

The Board, therefore, recommends that the sentence of life imprisonment be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant Governor
NOT SITTING
Secretary of the Commonwealth
(Sgd) THOMAS D. McBRIDE,
Attorney General
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Marvin Franklin, E-4792, No. A-4006, March Session, 1958. (Recommended April 1958 Session). To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Marvin Franklin, convicted of murder in the second degree in the Court of Oyer and Terminer of Philadelphia County, on September 15, 1954, computed from January 23, 1954 be commuted from 6 years to 4 years 5 months expiring on June 23, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 50 years of age, pled guilty to fatally stabbing the victim at a drinking party after the victim threw a beer glass at a woman and an argument ensued. The victim was urged to leave the party in order to quiet down the situation, and, as he was about to leave the room, the applicant stepped up behind him, struck him with a knife, and thus caused his death.

The trial judge, the Honorable Maurice W. Sporkin, did not reply to a request for his opinion as to the merits of the application. The District Attorney's office of Philadelphia County stated to the Board that it was not opposed to a commutation. The Penitentiary Staff reported that the applicant's performance has been consistently good and he has earned a position of trust. In view of his demonstrations of stability, the staff feels that he can be considered an unusually meritorious applicant.

The applicant has served almost 4½ years of a 6 years minimum term and although he has a number of arrests on his record, he has had only two prior convictions. The Board is of the opinion that he has acquired a stable and matured outlook which will lead him to live a law-abiding life in the future. The Board of Parole will, of course, investigate his home and employment before release and he will be under their care and guidance until the maximum sentence is completed.

The Board, therefore, recommends that this sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of George Joseph Garancosky, Sr., E-1975, No. A-3965, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of George Joseph Garancosky, convicted of burglary in the Court of Oyer and Terminer of Northumberland County, on September 19, 1950, computed from June 12, 1950, be commuted from 15 years to 8 years, 10 days expiring on June 22, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 52 years of age, together with four or five accomplices, broke into about 35 clubs in Snyder, Columbia, Schuylkill and Northumberland Counties. The Snyder County sentence was made concurrent with the

Northumberland County sentence. The Columbia County and Schuylkill County are to follow the Northumberland County term. The Board is recommending the commutation of the Northumberland County sentence in order that the applicant may start to serve the Columbia and Schuylkill County sentences. The applicant received a sentence of 15 to 30 years for burglary, effective June 12, 1950.

The trial judge of Northumberland County, the Honorable Robert M. Fortney, stated to the Parole Agent that he had no objection to a commutation. The District Attorney of Northumberland, stated to the Parole Agent that he had no comment to make. The Penitentiary Staff state that he has an unblemished disciplinary record and has made evident efforts at self-improvement, limited by his age and physical condition.

The applicant has served nearly 8 years of his minimum sentence of 15 years and will not be released until he has completed sentences imposed by Columbia and Schuylkill Counties.

The Board recommends that this application have his Northumberland County sentence commuted so that he may enter upon service of the sentences of Columbia and Schuylkill.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Stanley Grabowski, Jr., B-7724, No. A-620, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the Life sentence of Stanley Grabowski, Jr., convicted of murder in the first degree in the Court of Oyer and Terminer of Westmoreland County, on June 16, 1941 be commuted from life imprisonment, to 17 years 10 days expiring on June 26, 1958.

Our reasons for making this recommendation are as follows:

This applicant, who is 44 years of age, had separated from his wife, and the wife went back to her former home to live. The applicant began to drink heavily, and, while under the influence of alcohol, visited his wife at her father's home, in order to persuade her to return to him. The brother of the wife was present, and an argument ensued. The applicant grabbed his baby from his wife's arms, pulled a gun out of his pocket and shot his wife twice as she was running out of the house. He was sentenced to life imprisonment.

The Trial Judge, the Honorable Richard D. Laird, is retired, and the Board has received no word from the President Judge as to the merits of this application. The District Attorney stated that any action the Board may take in this case will be satisfactory to his office.

The Prison Staff at the State Penitentiary at Rockview stated that the applicant is performing exceptionally well on his assignments, which involve trust and responsibility. He has earned the highest honor rating obtainable, and has shown excellent institutional adjustment over a period of almost 17 years.

The Board has carefully considered this application and has reviewed the applicant's fine prison record, noting not only his educational progress but his excellent vocational

reports. The Board is of the opinion that this applicant, if released, under the life-time supervision of the Board of Parole, will live a law-abiding life in the future. The Board, therefore, recommends his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Stanley Gronski, 7677-D, No. A-861, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Stanley Gronski, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Northumberland County on September 8, 1947 computed from August 20, 1947 be commuted from 15 years to 10 years, 9 months, 9 days expiring on May 29, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relived of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until August 20, 1962.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles Hoff, 3515-A, No. A-4497, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Charles Hoff, convicted of burglary, larceny in the Court of Oyer and Terminer and Quarter Sessions of Clinton County on August 6, 1943, computed from July 25, 1943 be commuted from 20 years to 14 years, 10 months, expiring on May 25, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relived of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until July 25, 1963.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Nelson Hummel, 6287-C, No. 9761, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Nelson Hummel, convicted of burglary and larceny in the Court of Oyer and Terminer of Perry County on March 7, 1944, computed from February 17, 1944 be commuted from 30 years to 14 years, 3 months, 10 days expiring on May 27, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relived of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until February 17, 1974.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Herbert Jeffreys, 1008-D, No. 6427, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Herbert Jeffreys, convicted of robbery, together with other person in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on November 23, 1938, computed from November 18, 1938 be commuted from 20 years to 19 years, 6 months, 10 days expiring on May 28, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until November 18, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Robert John Kelly, C-3606, No. A-4047, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Robert John Kelly, convicted of burglary and larceny in the Court of Oyer and Terminer of Crawford County on December 6, 1954, computed from November 21, 1954 be commuted from 5 years to 3 years, 7 months expiring on June 21, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 33 years of age, entered a store through a broken skylight and took \$168 in cash. Later, with accomplices, he entered a club and took about \$800.

The trial judge, the Honorably Herbert A. Mook, stated to the Parole Agent that he favored commutation. The District Attorney, P. Richard Thomas, stated he did not oppose or recommend commutation. The Prison Staff of Rockview stated the applicant has proved to be a dependable and willing worker and has never been involved in any misconducts. The staff unanimously feels that the applicant has profited from his incarceration, developed healthier controls, stability, and a matured outlook and that further incarceration would serve no useful purpose.

The Board is in receipt of a letter from various citizens of Titusville indicating their confidence in this young man and their belief that he will live a law-abiding life. Letters were signed by the Chief of Police of Titusville, the Mayor, the owner of the store which was robbed, and the President of the club which was robbed.

One of the accomplices, James Sjoden, had his sentence commuted by the Board, and was paroled in June 1957. The other two accomplices were placed on probation.

The Board believes that this young man, who had no prior criminal record, and has served over 3½ years of his 5 years minimum sentence, has learned his lesson well, and that, if he is released, he will live a law-abiding life in the future. The Board, therefore, recommends that the sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Harry Kessler, 8462-A, No. A-4491, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Harry Kessler, convicted of assault being armed with offensive weapon with intent to rob in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on May 2, 1941, computed from September 13, 1943 be commuted from 20 years to 14 years, 8 months, 17 days, expiring on May 30, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until September 13, 1963.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Peter Stanley Kruchinski, E-282, No. 6825, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the Minimum sentence of Peter Stanley Kruchinski, convicted of burglary in the Court of Oyer and Terminer of Northumberland County on September 4, 1946, computed from April

17, 1948 be commuted from 15 years to 10 years, 2 months, 10 days, expiring on June 27, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 50 years of age, was involved in the burglarizing of five business places in Mount Carmel within a two months period. The value of the loot and cash taken was very small. He had been sentenced in 1943 for burglary, and paroled in 1945. This offense was a violation of his parole, and he served two years back time in the penitentiary before commencing this present sentence.

The trial judge, the Honorable Robert M. Fortney, wrote the Board that the applicant "has served an adequate period of time" and "it is my recommendation that the Board of Pardons give serious consideration to clemency in this matter." The District Attorney stated to the Parole Agent that he had no objection to a commutation. The Penitentiary Staff stated that the applicant has an unblemished disciplinary record, and that his work record is excellent. During his incarceration, the applicant has come under the influence of the Gideons Society, and they expressed their opinion that he has embraced the Gospel of the Lord Jesus Christ in all sincerity.

The Board believes that this man, having satisfactorily served over 10 years of his minimum sentence of 15 years, can now be safely returned to society.

The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of George R. Lecates, No. A-4477, March Session, 1958. (Recommended at the April 1958 Session)

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that George R. Lecates, convicted of lottery, poolselling and bookmaking in the Court of Quarter Sessions of Philadelphia County, on April 24, 1953 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant is 38 years of age and a first offender. He was fined One Hundred Dollars and given a suspended sentence on a lottery poolselling and bookmaking charge in 1953.

The Trial Judge, specially sitting, was the Honorable Cyrus Palmer, of Schuylkill County. Judge Palmer wrote the Board that he was not opposed to the granting of a pardon. The District Attorney's office of Philadelphia County stated that it was not opposed to the granting of a pardon. The applicant was never incarcerated, and, following his court trial, he found employment with the Budd Manufacturing Company of Philadelphia.

It was stated to the Board that the applicant requires this pardon in order to assume work for the Atomic Energy Commission, which the Budd Company is undertaking, because Security regulations require clearance for the work. The Philadelphia County Detectives investigated the applicant's employment and reported that a pardon would be necessary if he is to assume the responsibility of this work. They further stated that the applicant

has an excellent record with the Budd Company and was recommended highly.

In view of the adjustment which this applicant has made during the years since his conviction, the Board feels that clemency can well be extended to him.

The Board, therefore, recommends a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Ellwood Marsh, B-8943, No. A585, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the Life sentence of Ellwood Marsh, who plead guilty to the crime of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on October 13, 1942, be commuted from Life Imprisonment to a term of imprisonment of 15 years, 8 months, 10 days, expiring on June 23, 1958; and further recommend that the Maximum sentence of Ellwood Marsh, who plead guilty to the crimes of robbery and receiving stolen goods in the Court of Oyer and Terminer of Allegheny County on January 8, 1943, be commuted from 20 years to a new maximum of 1 day, expiring on June 24, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 39 years of age, and who had two accomplices, attacked a drunken man and took his money. The victim struck his head on the pavement, and the men pulled him off the sidewalk and left him behind a billboard to die. The applicant was sentenced to life imprisonment. The applicant and accomplices had strong-armed a pedestrian and took \$3.00 a few minutes prior to the murder. For this offense the applicant was given a 10 to 20 year sentence on January 8, 1943.

The trial judge, the Honorable J. Frank Graff, wrote the Board that he would be satisfied with any action the Board sees fit to take. The District Attorney stated that he was opposed to the granting of a commutation.

The Prison Staff stated that the applicant has greatly improved his educational status and has received a high school diploma since his imprisonment. He has an excellent prison record as night cook, and shows no deep-seated criminal inclinations. He has generally been regarded as a good inmate, and the staff recommends clemency.

The applicant has served over 15 years of a life sentence, and the Board believes that inasmuch as he does not seem to possess deep-seated criminal tendencies, he will, if released, live a law-abiding life in the future. The Parole Board will, of course, supervise his activities for the rest of his life.

The Board, therefore, recommends that these sentences be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.

(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles Oscar McCartney, C-3184, No. A-4487, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles Oscar McCartney, convicted of Arson in the Court of Quarter Sessions of Centre County, on December 10, 1945, computed from September 11, 1945 be commuted from 6 years to 12 years 9 months 10 days expiring on June 21, 1958. (less 7 years 9 months 5 days escape time—a balance of 5 yrs. 5 days)

Our reasons for making this recommendation are as follows:

The applicant is 63 years of age. He escaped from the Centre County Jail on September 1946 and was not recaptured until October 1953. The applicant was given an additional 1 to 2 years sentence for escape.

It appears that he had set fire to a dwelling and while incarcerated in the Centre County Jail, he escaped and lived as a hermit in the mountains near Snow Shoe.

The Trial Judge is deceased but the President Judge, the Honorable R. Paul Campbell, wrote that he is willing to abide by any decision the Board may reach. Likewise, the District Attorney, Richard M. Sharp, wrote the Board that he had no comment to make relative to the merits of the application. The Prison Staff states that this elderly, first offender is of average intelligence and his work and conduct records have been clear.

This applicant has served nearly five years of his six years minimum term for arson. The Board is recommending that the minimum be commuted so that he may enter upon his sentence for escape. The applicant is far from being a young man and upon completion of his term for escape, he will be over 65 years of age. His release at that age militates against any criminal activity in the future.

The Board recommends commutation of his 6 to 15 years sentence for arson.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Theodore Melensky, C-2603, No. A-3559, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Theodore Melensky, convicted of burglary, larceny, receiving stolen goods in the Court of Oyer and Terminer of Beaver County on June 18, 1952, computed

from February 22, 1952 be commuted from 7½ years to 6 years 4 months expiring on June 22, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 43 years of age, was involved in a series of burglaries by reason of supplying the automobile which the actual perpetrators used in the conduct of the robberies. Although the applicant pled not guilty, the testimony at the trial indicated his complicity.

The trial judge, the Honorable Robert E. McCreary, wrote the Board that he would leave the matter to the sound discretion of the Board. The District Attorney, Richard P. Stewart, wrote the Board that his office could not recommend clemency, but would not officially oppose clemency unless a parole would indicate that Mr. Melensky might once more return to Beaver County. The Prison Staff stated that although the applicant's past record is not good, it is their opinion that the applicant has changed from a rebellious individual with little regard for authority to one who now respects authority and has developed maturity and a sound social outlook.

This applicant has served 6½ years of his 7½ years minimum sentence, and it is felt that he has reached the stage where his future improvement and rehabilitation cannot be further advanced in prison. The Board believes that he will conduct himself as a law-abiding citizen if released at this time. He will be closely supervised by the Board of Parole and will be given the necessary guidance and counsel for adjustment.

The Board, therefore, recommends that this sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Manuel Moreno, E-5724, No. A3575, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the Minimum sentence of Manuel Moreno, convicted of robbery while armed with an offensive weapon and burglary in the Court of Oyer and Terminer and Quarter Sessions of Cumberland County on August 23, 1955, computed from August 18, 1955 be commuted from 5 years to 2 years, 10 months, 10 days, expiring on June 28, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 29 years of age, pled guilty to breaking into a gasoline station and stealing a revolver and a small sum of money. Later in the same day, holding up a loan company office and taking about \$450. All of the stolen money and articles were recovered.

The applicant was not a resident of Cumberland County where the crime was committed but resided with his family in Butler County.

The trial judge, the Honorable Mark E. Garber, did not reply to our letter inquiring as to the merits of the application. The District Attorney stated that he would rely upon the decision of the Board in the matter. The Penitentiary Staff stated that the applicant has compiled a completely satisfactory institutional record and has earned an "A" Honor Rating. The staff recommends favorable consideration.

This applicant has served nearly three years of his five year minimum sentence, and it was represented to the Board that his family, including three children, are in desperate circumstances and in need of the applicant's care and support. The applicant had no prior criminal record, and the Board believes that this sentence has had a salutary affect upon his future behaviour.

The Board, therefore, recommends that the sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of C. L. Moss, C-4055, No. A2038, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the Minimum sentence of C. L. Moss, convicted of Prison Breach in the Court of Quarter Session of Centre County on February 18, 1954, computed from March 19, 1956 be commuted from 4 years to 2 years, 3 months, 10 days, expiring on June 29, 1958.

Our reasons for making this recommendation are as follows:

The applicant is 36 years of age. He was sentenced in Westmoreland County for a term of from 7 to 20 years for armed robbery and robbery, with an accomplice. In February 1954, he escaped from the Rockview State Penitentiary but was recaptured two days later and was given an additional sentence of 4 to 8 years for escape.

The applicant served his minimum sentence for armed robbery, and immediately entered on his sentence for escape. He has served two years and one month of the four years minimum for the latter offense.

The Trial Judge is deceased. The President Judge, the Honorable R. Paul Campbell, stated to the Parole Agent that he will neither oppose nor recommend the application. The District Attorney of Centre County wrote the Board that he had no comment to make as to the merits of the application. The applicant has been continuously confined for the past 9 years, and the Prison Staff indicated that he has made a generally satisfactory institutional adjustment and has a rather outstanding work record. He has made attempts to improve himself mentally, and has successfully completed work to the eighth grade in school.

The Board believes that this applicant seems to have learned his lesson and will in all probability conduct himself well if released. The Board, therefore, recommends that his minimum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Victor Pepperisco, 3538-D, No. A-823, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Victor Pepperisco, convicted of robbery in the Court of Quarter Sessions of Philadelphia County on October 10, 1944, computed from same date be commuted from 15 years to 13 years, 7 months, 20 days, expiring on May 30, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until October 10, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Stephen T. Povich, C-2344, No. A-3557, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Stephen T. Povich, convicted of armed robbery in the Court of Oyer and Terminer of Cambria County on September 4, 1951, computed from July 30, 1951 be commuted from 7½ years to 6 years, 11 months, expiring on June 30, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 40 years of age, held up the ticket cashier of a drive-in theatre and took a sum of about \$180 from the cash drawer. He pled guilty to the offense and was sentenced to a term of 7½ to 15 years. At the time of the commission of this offense, he was on parole from Virginia.

The trial judge, the Honorable Ivan J. McKenrick, was not available for comment. The District Attorney of Cambria County stated he was satisfied with whatever disposition this Board may consider proper. The Prison Staff reported that the applicant's work record and conduct have been satisfactory.

The applicant has served almost 7 years of his 7½ years minimum sentence, and upon release, must be returned to Virginia as a parole violator to serve the unexpired term of his minimum sentence.

In view of the fact the applicant has almost completed his minimum sentence, and that he will have to serve additional time in the Virginia penitentiary for violation

of his Virginia parole, the Board recommends this sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Pulaski, 9884-B, No. A-2844, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Joseph Pulaski, convicted of robbery in the Court of Oyer and Terminer of Schuylkill County on March 4, 1952, computed from May 20, 1950 be commuted from 10 years to 8 years, 1 month, expiring on June 20, 1958.

Our reasons for making this recommendation are as follows:

The applicant is now 35 years of age. It appears that he, together with an accomplice, accosted two girls and made an assault with intent to ravish. They were also involved in several robberies in the area. He was sentenced to a 5 to 10 year term and was paroled at the expiration of his minimum sentence on April 15, 1955. His accomplice, who received a 30 to 60 years sentence, was paroled after a commutation of his minimum sentence in January 1958.

The applicant, since his release, has been constantly under the supervision of the Board of Parole, and is now employed at the Morris Hotel in Philadelphia. The Manager of the hotel, Mrs. Margaret Kade, wrote the Board that he is worthy of every confidence, that she entrusts to him several hundred dollars a week for desposit in the bank, he also handles the payroll of the hotel, and she has reposed every confidence in him.

The Parole Board has written the Board of Pardons that it had no objection to commutation of the maximum sentence at this time, for the applicant's adjustment has been entirely satisfactory.

The Board, therefore, recommends that the maximum sentence of this applicant be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles Romeo 8692, No. A-4490, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Charles Romeo, convicted of armed robbery, burglary to commit felony; assault being armed with offensive weapon; CCDW., in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on March 5, 1948, computed from December 12, 1947 be commuted from 20 years to 10 years 5 months 18 days expiring on May 30, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until December 12, 1967.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Herbert Smith, 76116, No. A-5402, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Herbert Smith, convicted of armed robbery in the Court of Oyer and Terminer of Allegheny County on October 22, 1954, computed from March 26, 1954 be commuted from 5 years to 4 years 3 months expiring on June 26, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 29 years of age, was charged with 12 separate counts of robbery, assault, burglary, aggravated assault and battery.

The trial judge, the Honorable Samuel A. Weiss, wrote the Board that if the prisoner has been sufficiently rehabilitated and has a good conduct record, he will not object to whatever action the Board may take in this case. The District Attorney's office of Allegheny County felt that the sentence was lenient and that the applicant should serve his minimum sentence. The Warden of the Allegheny County Workhouse stated that the applicant has been industrious and appears to be a somewhat sensitive individual, who on the whole, does not seem to be a confirmed criminal.

The applicant has a criminal record of four arrests and one conviction, all of a minor nature, so that, in effect, this is his first major offense. He has been imprisoned for over 3½ years of a 5 years minimum sentence, and the Board has been informed that he has matured greatly and possesses a penitent attitude.

The Board believes that this young man will prove to be a good citizen and that he will conduct himself in a law abiding manner in the future.

The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor,
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of George Vukovcan, C-3271, No. A-3986, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of George Vukovcan, convicted of burglary, larceny, receiving stolen goods and conspiracy in the Court of Oyer and Terminer of Beaver County on December 30, 1953, computed from April 25, 1953 be commuted from 7 years to 5 years 2 months expiring on June 25, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 31 years of age, was involved with accomplices in the burglarizing of three business places in Beaver County. The loot amounted to about \$500, largely consisting of money taken from pinball machines.

The trial judge, the Honorable Robert E. McCreary, wrote the Board, "If the Board is impressed by his record since incarceration, we consider it to be a matter for the sound discretion of the Board." The District Attorney, Richard P. Steward, wrote that his office does not now actively oppose clemency, but will leave the decision to the sound discretion of the Board. The Institutional Staff stated that the applicant's adjustment has been excellent and that he gives indication of having acquired additional maturity and has an excellent potential for normal adjustment to society.

The Board believes that this young man, although he has a minor criminal record, has been rehabilitated and will conduct himself as a law-abiding citizen if released.

The Board, therefore, recommends that this sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor,
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Edward Weaver, 7490-D, No. A-756, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum

sentence of Edward Weaver, convicted of burglary and larceny in the Court of Quarter Sessions of Northampton County on December 13, 1943, computed from January 5, 1944 be commuted from 16 years to 14 years 4 months 25 days expiring on May 30, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until January 5, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor,
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Zawinski, No. 4849, April Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that William Zawinski, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on May 18, 1938 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant, who is 37 years of age, was involved, together with five accomplices, in a series of robberies committed in the Pittsburgh area. He was sentenced to a 5 to 10 year term for robbery, and was released at the end of his minimum sentence in 1943. He was discharged from parole in April 1948. He was only 17 years old at the time of the offense, and, since his release in 1943, he has been in no trouble whatsoever.

At present, the applicant is employed by the Continental Transportation Lines as a driver and earns One Hundred Dollars a week. He is married and has two children.

The Trial Judge is deceased, and the President Judge, the Honorable William H. McNaugher, wrote the Board that he had no information on the case and, therefore, no recommendation to make. The District Attorney's office stated that it had no objection to granting a pardon.

The applicant is requesting a pardon so that he may advance in his employment. He has experienced some difficulty when it is disclosed that he had a prior criminal record. He received an Honorable Discharge from the United States Army in August 1944. The citizens of his community have written regarding his good character and the high regard they have for him and his family.

The Board believes that this young man, who has demonstrated his maturity and stability for the past 15 years, should receive the clemency of the Commonwealth.

The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Edward H. Bartron, E-7460, No. A-4533, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Edward H. Bartron, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Monroe County on May 8, 1957, computed from May 6, 1957 be commuted from 2 years to 1 year, 2 months, 10 days, expiring on July 16, 1958.

Our reasons for making this recommendation are as follows:

This applicant, with two accomplices, broke into and entered five unoccupied summer cottages, several of them being unlocked. They stole clothing and household articles, food stuff, personal property and other items. All the stolen articles were recovered.

The applicant is a veteran of the Korean War, and the Board has a letter from the Past National Commander of the Society of the 28th Division, A.E.F., who was the applicant's First Sergeant during his military service, attesting that he knew him as a devoted and reliable soldier. The Board also has a letter from the Post Adjutant of Post 56 of the 28th Division, A.E.F., requesting clemency, because he feels that the applicant would be a good citizen if released. The Pastor of his church is willing to help him, and states that the applicant is needed at home because his two growing sons require a father's hand and help. The present Register of Wills in his County has written to the Board that he will do everything in his power to help the applicant secure employment and be a good citizen.

The applicant earned a promotion in the penitentiary from the cannery to the Conservation Camp, one of the highest rated details in the institutions. All reports indicate he has continued to excel in his work effort and general deportment.

The Trial Judge, the Honorable Fred W. Davis, advised the Parole Agent that he would leave the matter of clemency up to the Board, and subsequently wrote the Board that he had no recommendation to make. No word was received from the District Attorney who is hospitalized and not available for report.

The institutional staff reported that the applicant is mature and well stabilized; that he appears to have been deeply impressed by his incarceration; and that he has developed a healthier and more realistic social conscience.

The Board feels that the applicant has an excellent record and is essentially a first offender. It believes that if released the applicant will no longer offend against society, and that he is deserving of favorable consideration. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.

(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Bernard Bernstein, No. 8896, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Bernard Bernstein, convicted of larceny by bailee, fraudulent conversion in the Court of Oyer and Terminer and Court of Quarter Sessions of Philadelphia County on October 18, 1946 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant, while a driver for the Keystone Express Company, stole a quantity of chocolate bars, the value of which amounted to about \$1400. He was sentenced to 1 to 5 years in the County Prison, served his minimum sentence, and was released. His maximum sentence expired in 1951, when he received final discharge from parole.

The applicant was employed by the Smedley Lumber Company for several years and then secured employment with the Ace Lumber Company. At the present time, however, he is unemployed because of a recent operation.

From an investigation made by the Board of Parole, it is evident that the applicant is not engaged in any illegal activity, but is an accepted member of the community. He lives in an apartment with his wife, and his marriage is a happy one.

The Trial Judge, the Honorable Louis E. Levinthal, advised the agent of the Board of Parole that he would forward his comments. However, no such comments were received. The Assistant District Attorney advised the Board that the application was not opposed, for all reports regarding the applicant were good.

The applicant desires a pardon to clear his record. The Board believes this applicant deserves clemency and, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Frank Blanton, 9261-C, No. A-4543, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Frank Blanton, convicted of murder in the second degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on October 22, 1942, computed from August 4, 1942 be commuted from 20 years to 15 years 11 months expiring on July 4, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until August 4, 1962.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James H. Cole, E-2265, No. A-3546, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of James H. Cole, convicted of armed robbery in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on April 4, 1951, computed from February 7, 1951 be commuted from 28 years to 10 years expiring on February 7, 1961.

Our reasons for making this recommendation are as follows:

This applicant was sentenced on 14 counts for armed robbery, which took place during a period of approximately one month in 1951. There were 18 to 22 robberies in all, for which consecutive terms totaling 28 to 56 years were imposed. When arrested the applicant attempted to escape, and he received a concurrent sentence for this offense. This sentence has been served.

The applicant was apparently the ring-leader of the group which committed the offenses, and the loot amounted to over \$9,000. The applicant began these offenses when he was unemployed and his family was on relief.

The applicant has now served over 7 years of his minimum sentence. He is reported as being cooperative and well-disciplined and he has a good adjustment record. He was assigned to the Laundry, where his work was considered highly satisfactory, and has recently been transferred to the Commissary. He enrolled in several classes, completed some and dropped others, but has improved himself educationally. He has no misconduct marks against him.

The Trial Judge, the Honorable Byron A. Milner, wrote the Board that he thought it was too soon for release and that more of his minimum sentence should be served. The Assistant District Attorney also opposed the application as being premature. The institutional staff feels that a longer period of training is indicated.

The Board, taking all these recommendations into consideration, but believing that to have this applicant file an application year after year still facing a 28-year minimum is unfair, and might even tend to deprive him of an incentive to continue good prison adjustment, recommends that his minimum sentence be reduced to 10 years and commuted as of February 7, 1961.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Fred Cristella, No. A-4509, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Fred Cristella, convicted of aggravated robbery (armed) in the Court of Oyer and Terminer of Philadelphia County, on March 3, 1930 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant, when seventeen years of age, plead guilty to the offense of armed robbery, received a sentence of 3 to 15 months in the County Prison, and was paroled by the Court on June 3, 1930.

Since 1930 this applicant has been in no further trouble and all reports indicate that he is a reliable citizen. He lives with his wife and children, in a well-furnished home which he owns.

The applicant is in the wholesale and retail fruit and produce business in Philadelphia. He owns a farm, as well as his store, which enables him to adequately provide for his family. He spends all his time at the business or with his family.

The Board of Parole reports that the applicant seems to have a good understanding of right and wrong and a well-developed sense of responsibility. Friends and neighbors have found the applicant to be a responsible person and an honest business man. He has been helpful to the Parole Agent in giving information regarding parolees from his neighborhood.

The trial judge is deceased, but the Board has a report from the Honorable Charles L. Guerin stating that the application appears to be meritorious. The Assistant District Attorney advised the Board that his office was not opposed to the application he seeks.

The Board believes this applicant is deserving of clemency and recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Michael Curtis, 8589, No. 9628, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Michael Curtis, convicted of rape, rob., etc. in the Court of Oyer and Terminer of Delaware County on January 6, 1937, computed from 8/17/51 be commuted from 10 years to 6 years 11 months expiring on July 17, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until August 17, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Earl Cyphers, E-3008, No. A-3315, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Earl Cyphers, convicted of robbery, burglary and larceny in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on May 22, 1952, computed from April 16, 1952 be commuted from 15 years to 6 years, 3 months, expiring on July 16, 1958.

Our reasons for making this recommendation are as follows:

This applicant, together with two accomplices, was involved in a series of armed robberies in Delaware, Montgomery and Philadelphia Counties. The guns used had been stolen from an automobile. The automobile, which one of the accomplices was driving, was also stolen.

These crimes began in May 1950 and continued until April 1952. Taprooms, flower shops, restaurants, real estate offices, service stations and business offices were entered, many of them by forcing windows to gain entrance. About \$2500.00 was stolen.

After beginning the Delaware County sentence, the applicant and his accomplices were brought before the Philadelphia Court and all were given suspended sentences for the offenses in that County. The Montgomery County sentence was to run concurrent with the Philadelphia County sentence and has been served.

This applicant was only 18 years of age when these offenses occurred. His parents separated and he had no home supervision for his mother worked outside the home. His companions were bad. The applicant served in the United States Army from August 1950 to April 1951 and, after his discharge, he secured employment and lived in a rented room. The offenses, which had begun before

he entered the service, continued until his arrest in September 1952.

The sentencing judge, the Honorable William R. Toal, wrote the Board it was his opinion that the sentence the applicant received should be re-evaluated, and stated: "He received a very heavy sentence because of the serious nature and number of his offenses, but in retrospect the re-evaluation should be made because of the youth of the defendant at the time the offenses took place." He said further, "The time has arrived when I can say to your Board that I recommend, without reservation, a commutation of his minimum sentence."

The Board was advised by Assistant District Attorney Ralph B. D'Iorio that his office had no objection to commutation because the accomplices have had their sentences commuted and it is believed that the applicant has been rehabilitated.

It was reported by the institutional staff that the applicant, in spite of a history of instability, has matured and appears anxious to accept the responsibility of self-management. He has gained a degree of self-confidence and has attempted self-improvement through education. He has completed typing, beginner's shorthand, salesmanship and four extension courses in agriculture and portions of another, all with very good progress.

The Board recommends that the minimum sentence of this applicant be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Benedette DeCave, 4178-C, No. 9526, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Benedette DeCave, convicted of burglary in the Court of Quarter Sessions of Philadelphia County on September 4, 1947, computed from July 17, 1947 be commuted from 20 years to 11 years, expiring on July 17, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until July 17, 1967.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.

(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles Donato, No. A-3816, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Charles Donato, convicted of aiding and abetting and keeping and maintaining a disorderly house in the Court of Quarter Sessions of Philadelphia County on September 28, 1928; and convicted of setting up and maintaining an illegal horse race pool in the Court of Quarter Sessions of Philadelphia County on June 18, 1937 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant was involved in two offenses, for keeping a disorderly house and bookmaking. For the first offense in 1928 he was given a 6 months sentence in the County Prison, which was later reconsidered, and he was paroled in February 1929. For the second offense in 1937 he was placed on probation.

The applicant, when arrested in 1928, insisted that he did not own the house where the disorderly conduct occurred, and had nothing to do with maintaining or running it. However, the jury found him guilty and he was sentenced as aforesaid. When arrested in 1937, certain materials were found on his person indicating that he received bets on horses. He was adjudged guilty.

The applicant served in the National Guard from 1915 to 1918; was overseas in France during World War I, received the Purple Heart, and was hospitalized. During his recovery period he learned the trade of clothing cutter, and he was employed by the United States Quartermaster Corps as a clothing inspector for a period of 11 years. He had to leave this position because of a cardiac condition which was greatly aggravated by this work. At present he is employed as an Inspector by the City of Philadelphia, in the Bureau of Weights and Measures, where he has worked for the past 6½ years. He is reported to be a steady, dependable worker, whose efficiency is high, and who gets along well with his co-workers.

The applicant desires a pardon to clear his name. He had not been involved with the law for the past 21 years and feels he has indicated to society that he is capable of living a clean and decent life.

The Assistant District Attorney told the Board his office was not opposed to the application. The Trial Judge is deceased, and the Honorable Charles L. Guerin wrote the Board that the application appeared to be meritorious.

The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Howard Edwards, 2307-C, No. A-851, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Howard Edwards, convicted of burglary, larceny, receiving stolen goods in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on March 31, 1947, computed from February 5, 1947 be commuted from 40 years to 11 years 5 months expiring on July 5, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until February 5, 1957.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Harry Forstater, No. A-4549, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Harry Forstater, convicted of possession and sale of obscene literature in the Court of Quarter Sessions of Delaware County, on August 25, 1949 be pardoned.

Our reasons for making this recommendation are as follows:

In 1949, this applicant received a sentence of 6 months in the Delaware County Prison and was fined \$100.00 for the possession and sale of obscene literature. He had a booth in a Farmers' Market near Chester, and was arrested after an officer had made several purchases of immoral and obscene records.

The applicant, at the time his application was filed, owned his home in Levittown, Pennsylvania. He has since rented that home and resides in an apartment in Philadelphia. As late as April 1958 he was personally interviewed by the agent of the Board of Parole, who reported that the applicant is a sales representative of the Philadelphia Gas Company, and has worked for them for the past two years, earning over \$7000.00 a year. His wife does not work, and his two young sons attend public school. Another resident of the apartment house where the applicant lives was interviewed, and he stated this applicant has caused no trouble or disturbance of any kind. The agent reported that the applicant is considered to be one of the best sales-

men of the Philadelphia Gas Company, and to be reliable, dependable and trustworthy.

The Assistant District Attorney, Ralph B. D'Iorid, advised the Board that his office had no opposition to the granting of a pardon and would concur in any decision the Board made. However, the President Judge, the Honorable Henry G. Sweney, wrote the Board that he contacted the Trial Judge, the Honorable Harold L. Ervin, and it was felt that a pardon should not be granted.

The Board feels that since this applicant has been in no further trouble since his conviction in 1949, and has lived a good, respectable life, he is deserving of clemency. The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Francis Gallagher, 5672-C, No. A-795, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Francis Gallagher, convicted of assault being armed with intent to rob; burglary; receiving stolen goods in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on October 30, 1941, computed from August 18, 1943 be commuted from 30 years to 14 years 11 months expiring on July 18, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until August 18, 1973.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Edmund Hanna, 8491-B, No. A-4548, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Edmund Hanna, convicted of armed robbery in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on April 23, 1951, computed from April 3, 1951 be commuted from 10 years to 7 years 3 months expiring on July 3, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until April 3, 1961.

For the reason that this applicant has served a long time on parole, and the further reason that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Michael Hoopsick, 7494-B, No. A-1058, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Michael Hoopsick, convicted of burglary in the Court of Quarter Sessions of Clearfield County on October 9, 1950, computed from September 5, 1950 be commuted from 12 years to 7 years 10 months expiring on July 5, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until September 5, 1962.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.

(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Bartholomew Jenkins, 25A, No. A-1653, May Session, 1958.
To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Bartholomew Jenkins, convicted of burglary and larceny in the Court of Quarter Sessions of Delaware County on February 26, 1948, computed from February 14, 1948 be commuted from 20 years to 10 years 5 months expiring on July 14, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until February 14, 1968.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Henry Johnson, E-4143, No. A-3165, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Henry Johnson, convicted of murder in the second degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on December 28, 1953, computed from April 27, 1953 be commuted from 6 years to 5 years 2 months 20 days expiring on July 17, 1958.

Our reasons for making this recommendation are as follows:

This applicant, who is 48 years of age, struck his common-law wife, and she died from the blow. The applicant alleges he hit her with his hand, but the notes of testimony indicate he struck her with a shovel. He pled guilty generally to murder but was given a sentence approximating that for manslaughter.

The applicant has presently served 5 years of his minimum 6 year sentence. He had a previous criminal record for which he served some time in prison. These offenses

occurred in 1926 and 1930, but, from that time to the time of the present offense in 1953, he had no criminal record.

The applicant has a good record in the institution. He is a good influence and an excellent worker, and he has performed all assignments in an excellent manner. It is the majority opinion of the institutional staff that he has benefited by this incarceration to the extent that he can now control his impulses and is a deserving case for clemency consideration.

The Trial Judge is retired, and the President Judge will take no position on this appeal. The Assistant District Attorney advised the Board that he believed that the sentence was reasonable and that the applicant should serve the minimum sentence.

The Board believes that if this applicant is to become a good citizen, now is the time for his release, for further incarceration could apparently serve no good purpose. The Board recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Albert Kenny, 205-C, No. A-4542, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Albert Kenny, convicted of burglary, receiving stolen goods in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on December 15, 1939, computed from December 11, 1939 be commuted from 19 years 2 months 13 days to 18 years 7 months expiring on July 11, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant because of his sentence, would remain on parole until February 24, 1959-reparole maximum.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Elias Leonard, 6832-C, No. 9600, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Elias Leonard, convicted of burglary, receiving stolen goods in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on June 7, 1943, computed from May 30, 1943 be commuted from 20 years to 15 years 1 month expiring on June 30, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until May 30, 1963.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Benjamin Levinson, No. 3335, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Benjamin Levinson, convicted of conspiracy, forgery and perjury in the Court of Quarter Sessions of Philadelphia County, on June 19, 1936 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant, who is presently 54 years of age, was convicted of conspiracy, forgery and perjury in 1936 and sentenced to 1½ to 3 years. He served his minimum sentence, and his maximum sentence has since expired. The offense consisted of the use of fraudulent bail bonds in order to procure the discharges of prisoners.

This applicant was not involved in criminal activities before this offense, nor has he been so involved since the offense.

At the present time this applicant is residing in the State of New Jersey, and, while the Board does not have before it a report from the New Jersey authorities for he is not on probation or parole, the Board was advised at the Session that the applicant has raised a fine family, including grandchildren, and that he is held in high regard in his community. Evidence was presented that he is well thought of by responsible people in the community, including the Mayor. He is actively engaged in civic and political affairs, and he is thinking of seeking public office. Since this conviction might bar him from seeking such

office, he desires a pardon.

The trial judge is deceased, and the President Judge, the Honorable Peter F. Hagan, advised the Parole Board Agent he had no position to take. The Assistant District Attorney advised that his office was not opposed to the application.

The Board believes that this applicant should be granted the clemency of the Commonwealth and, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Mitchell, E-3717, No. A-4057, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Mitchell, convicted of burglary, larceny, receiving stolen goods in the Court of Oyer and Terminer of Philadelphia County on May 25, 1953, computed from April 9, 1953 be commuted from 7 years to 5 years 3 months 10 days expiring on July 19, 1958.

Our reasons for making this recommendation are as follows:

The applicant was sentenced following his breaking into a drug store, and he confessed to committing other offenses besides, claiming that he committed the offenses under the influence of alcohol. A great deal of stolen merchandise was recovered. The applicant had a previous record of offenses in New Jersey and California.

The Honorable A. A. Nelson, President Judge, advised the Parole Agent that he would forward his recommendations, but none were received. The Assistant District Attorney advised the Board that the minimum sentence should be served and that he was, therefore, opposed to the granting of commutation at this time.

The penitentiary staff reported that this applicant has had an outstanding prison record. He has demonstrated stability in terms of both work and conduct. He enrolled and completed a bookkeeping course, and has demonstrated habits of thrift and industry.

If granted commutation, the applicant will go to the State of California, with the permission of the Pennsylvania Board of Parole, to reside with his sister and her husband. His parents also reside in that State. The father is 80 years old and the mother is 76. The family will assist him in every way.

The Board is of the opinion that further incarceration will serve no useful purpose and that this applicant will become a law-abiding citizen. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Thomas Mobley, 8575-D, No. A-4539, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Thomas Mobley, convicted of rape; rape of female under 16 in the Court of Quarter Sessions of Delaware County on June 18, 1952, computed from March 28, 1952 be commuted from 10 years to 6 years, 3 months expiring on June 28, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until March 28, 1962.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Albert Orth, 6156-B, No. A-771, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Albert Orth, convicted of robbery, etc. in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on February 2, 1950, computed from January 4, 1940 be commuted from 10 years to 8 years, 6 months, expiring on July 4, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until January 4, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Frank J. Procopio, No. A-4536, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Frank J. Procopio, who plead guilty to setting up and maintaining an illegal lottery in the Municipal Court of Philadelphia County on October 7, 1942, and in the Quarter Sessions Court of Philadelphia County on June 3, 1947; on April 3, 1950; and on February 14, 1951 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant was involved in several lottery offenses in the Philadelphia area from 1942 to 1950. He was never sentenced to imprisonment but received sentences of \$25.00 and \$50.00 fines and costs.

After this last offense in 1950 the applicant stopped his illegal activities and attended the Temple High School, completing his High School education. He entered St. Joseph's College, from which he was graduated in 1955 with a Bachelor of Science Degree.

The applicant is married and has three young children. He owns his own home, where he has resided with his family for the past 9 years. He has been employed by the William E. Howe Company, as a Public Accountant, for the past 2½ years. The senior partner of this firm, George W. Campbell, wrote the Board that the applicant was of good moral character, honest, sincere and a good worker. He said the applicant was willing to accept any assignment, and is highly respected by the firm and clients.

The applicant is prepared to take an examination to become a Certified Public Accountant but cannot do so because of his criminal record. He desires a pardon in order to take the examination.

One of the sentencing judges, the Honorable Charles L. Guerin, wrote that the matter was entirely for the discretion of the Board. The Honorable Gerald A. Gleeson reviewed the notes in the files of the late Judge Crumlish and wrote the Board as follows: "If the statements set forth in his application are correct,***that he has rehabilitated himself and is actually endeavoring to improve his economic status by becoming a C.P.A., then I recommend that he be pardoned. Such a man is a worthy applicant."

The Assistant District Attorney, after investigation, advised the Board that everything learned of this applicant was most complimentary, and, therefore, that his office was not opposed to the application.

The Board recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John W. Rende, E-4240, No. A-3591, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John W. Rende, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on February 2, 1954 be commuted from 5 years to 4 years, 5 months, 10 days, expiring on July 12, 1958.

Our reasons for making this recommendation are as follows:

This applicant plead guilty to the offense of robbery in 1954 and received a sentence of 5 to 10 years. He was one of three men involved in several hold-ups, and when he was arrested the police discovered an empty gun on his person. The applicant was originally sentenced to a 10 year term, but later, on February 26, 1954, one of his sentences was reconsidered and vacated and the above sentence was imposed.

The applicant, who is now only 25 years of age, has served over 4 years of his minimum sentence, and the staff reports that he has profited by his incarceration. His conduct has been satisfactory, and his vocational performances are above average. He is more willing to accept direction and has had two positions since his admittance, each change being an advancement.

The Trial Judge, the Honorable Vincent A. Carroll, wrote the Board that he would, as he did in 1956 and again in 1957, recommend that the applicant's sentence be commuted. The Assistant District Attorney reports that his office is not opposed to the application.

The father of the applicant has arranged to have him taught the trade of plumber and he has been assured of a job, if released.

The Board, believing that this applicant has learned a lesson, and will not offend against the laws of society, if released, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Aurelio Russo, No. A-4018, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Aurelio Russo, who plead guilty to the crime of assault and battery and aggravated assault and battery in the Court of Quarter Sessions of Philadelphia County on October 23, 1934; and convicted of indecent assault in movies in the Court of Quarter Sessions of Philadelphia County on May 27, 1937 and further convicted of sodomy and assault and battery

in the Court of Quarter Sessions of Philadelphia County on February 16, 1942, be pardoned.

Our reasons for making this recommendation are as follows:

This applicant was sentenced on three occasions in the Philadelphia County Court: first, for the offense of assault and battery and aggravated assault and battery in 1934, for which he received a sentence of 1 year in the County Prison; second, for the offense of indecent assault in 1937, for which he received a sentence of 1 year; and third, for the offense of sodomy in 1942, for which he received a sentence of 2 to 4 years.

He has endeavored to lead a decent, responsible and law-abiding life since the last of these offenses, over 16 years ago. He is presently residing in an apartment house, which he owns, in the City of Philadelphia, and his apartment is neat in appearance and tastefully furnished. He is not presently employed, but he is able to maintain himself comfortably from the rentals he receives. He was previously employed by the Freihofer Baking Company for 11 years, and it was pointed out to the Board that during these 11 years there were no complaints regarding his conduct. Only good reports were received. He is now planning to buy a small business.

The applicant wishes to become a citizen of the United States, but approval of his application for citizenship is currently being withheld by the United States Immigration and Naturalization Bureau because of his convictions for offenses involving moral turpitude. He is in mortal fear of being deported to his native Italy, for he has no family living there, and he does not want to sever his ties in this Country.

The applicant requests that a pardon be granted, not only to avoid his being deported, but also to permit him to become a naturalized citizen of the United States.

The sentencing judges are deceased or retired, and the President Judges take no position on this application. The Assistant District Attorney advised that his office is not opposed to the granting of a pardon.

The Board is of the opinion that this man has shown over the years his intention not to become involved again in crime. It is the opinion of the Board that to deprive this applicant of the right to apply for United States citizenship, or to stand by and see him deported to a country where he has no friends or relatives, would be a most cruel punishment. The Board, therefore, recommends that a pardon be granted for all three offenses.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Leonard Simpson, 5776-A, No. 9996, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Leonard Simpson, convicted of armed robbery; larceny, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on December 9, 1940, computed from November 19, 1940, be commuted from 50 years to 17 years, 8 months, expiring on July 19, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until November 19, 1990.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Sugarcik, 9278-C, No. 2342, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Joseph Sugarcik, convicted of murder in the first degree in the Court of Oyer and Terminer of Cambria County on March 25, 1929, be commuted from life to 19 years, 3 months, expiring on June 25, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until end of life.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Edward A. Turpack, 944-D, No. 6558, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Edward A. Turpack, convicted of robbery, robbery and receiving stolen goods and murder in the second degree, in the Court of Oyer and Terminer of Allegheny County, on January 24, 1933, computed from January 23, 1953, be commuted from 10 years to 5 years, 5 months, expiring on June 23, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until January 23, 1963.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Peter Vattimo, No. A-4526, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Peter Vattimo who plead guilty to poolselling and bookmaking in the Court of Quarter Sessions of Philadelphia County on March 4, 1940; and who was convicted of poolselling and bookmaking in the Court of Quarter Sessions of Philadelphia County on October 16, 1946, be pardoned.

Our reasons for making this recommendation are as follows:

This applicant was involved in two offenses of poolselling and bookmaking: the first in 1940, when he was fined \$25.00; and the second in 1946, when he was fined \$100.00.

The applicant, who is 57 years of age, is reputed to be a good, sober and industrious worker. He is married, but has no children. He resides with his wife in his own home, which he has owned for the past 19 years.

The applicant is a partner in the RBU Clothing Store in Willow Grove, but he desires to secure employment with the La Libera Parola, an American Weekly Newspaper. The Publisher will give favorable consideration to the application for employment if a pardon is granted.

The Trial Judge is retired, but the Board has a letter from the Honorable Francis Shunk Brown, Jr., indicating that the matter of a pardon is up to the Board. The Assistant District Attorney had a complete investigation made and advised that his office was not opposed to the granting of a pardon.

Since this applicant has not been involved with the law for the past 12 years, and since he can place himself in a better position to maintain his wife and himself if a pardon is granted, the Board feels that favorable consideration should be given to his plea.

The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Andrew Vestrand, 104321, No. A-4534, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Andrew Vestrand, convicted of passing worthless checks in the Court of Quarter Sessions of Delaware County on September 18, 1957 be commuted from 1 year to 10 months, expiring on July 18, 1958.

Our reasons for making this recommendation are as follows:

This applicant was given a sentence of 6 months to 1 year on two counts of passing worthless checks, to be served in the Delaware County Prison.

Five checks were cashed at various stores, for a total amount of \$190.00. The applicant wrote the checks when he was drinking and needed money. The Board has been informed that complete restitution was made.

The applicant is married but has no children. His wife, who was married before, has a son 16 years of age. This boy is attending high school. The applicant will, if released, return to his family and reside with them.

While the Board had a letter from the trial judge, the Honorable William R. Toal, opposing the application, and the Assistant District Attorney, Ralph B. D'Iorio, stated to the Board he thought the sentence was fair, the applicant's representative advised the Board that he understood neither the Trial Judge nor the District Attorney were opposed to the application. In view of these conflicting statements, the Board requested additional letters from both the Trial Judge and the District Attorney. These letters were delivered to the Board and each expressed the thought that enough time had been served, and that the applicant was rehabilitated sufficiently to warrant favorable consideration.

The applicant has served over 8 months of his minimum sentence, and good reports have been received from the Delaware County Prison staff.

The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Michael Webb, 8918, No. 1341, May Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Michael Webb, convicted of Prison Breach in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on June 5, 1945, computed from February 5, 1951, be commuted from 10 years to 7 years, 5 months, expiring on July 5, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until February 5, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
NOT SITTING
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Francis X. Ballem, No. A-0423, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: On or about April 13, 1954, Francis X. Ballem lured one John Dopirak to his home for the purpose of robbing him. When Dopirak discovered that purpose and accused Ballem of it, Ballem shot and killed Dopirak. On April 27, 1954, a few days after the murder, the police at Sharon Hill found a trunk in a trolley station within the Borough. It contained two packages wrapped in plastic raincoats, each of which contained parts of a human body. Two days later defendant was arrested hiding in the attic of his home in Upper Darby Township.

Ballem voluntarily confessed the killing but sought to justify it on the ground of self-defense, charging that Dopirak had stolen his ring and thereafter fired a shot at Ballem. Only then, according to Ballem, did he fire the fatal shot at Popirak. In his confession he admitted the body to his basement and removing and burning the clothing in the furnace. He then says he got drunk and decided to dispose of the body. He purchased lye and placed in on the hands and over the face, but he could not destroy the features. He then applied a torch. After several hours he decided the torch was not working successfully, so he went upstairs and got drunk all over again. After he sobered up, he cut the body with a saw. He next attempted to burn the cut up portions of the body, piece by piece, in the furnace. He successfully burned some parts of the body, put the ashes in sheets and newspapers and flushed them down the drain or sewer with a hose. He then bought plastic raincoats and wrapped the remaining portions of the body in them. Some of these packages he placed in a trunk which he bought and

brought home in a taxicab, others he placed in a suitcase which he hid on the third floor of his home. He took still other parts of the body, with the raincoats wrapped around them, and rolled them into a creek, known as Naylor's Run, about four or five blocks from his home. He then cleaned and reloaded his gun so that if it was found no one would know it has been recently fired. He identified a gun found in his home as the one with which he killed Dopirak. He also identified the torch and the saw found in his basement as the implements used to dismember the body and gloves found in his home as being used by him to avoid leaving fingerprints.

In a second voluntary confession he withdrew his claim of self-defense and admitted that he had deliberately set out to get Dopirak sufficiently stupefied with liquor to rob him of his money and, after robbing him, to put him in a taxicab and get him out of the house. He did not assert that he was himself so stupefied by liquor as not to know what he was doing.

On May 14, 1954, the District Attorney, in open court, presented a petition for the appointment of counsel for defendant, stating that the defendant was the beneficiary of a spendthrift trust and that, although he had expressed a desire to retain private counsel, the court should protect the defendant's rights "even though he has expressed no desire to have a public defender or a public defender appointed for him." At a later hearing on the subject the defendant stated that he wished to defend himself and that he wanted to cross-examine witnesses and address the jury himself. He indicated that if counsel were appointed for him he would want a Mr. Mills to be one of them. The court, fully conscious of its duty in the premises, on June 2, 1954, did appoint William H. Turner and Robert W. Mills as counsel, the defendant specifically approving both appointments.

On June 9, 1954, Ballem was indicted for the murder of Dopirak. As the Supreme Court later noted, counsel conscientiously and ably represented Ballem in every phase of the proceedings. They caused a psychiatric examination of Ballem to be made by Dr. Albert M. Biele on July 29 and August 9, 1954. Dr. Biele made a thorough and full report to them under date of August 24, 1954, which concluded as follows:

"It is my opinion that he is now psychotic and has been for some time prior to his conflict with the law. It is recommended that he be formally examined in accordance with the provisions of the Mental Health Act."

In consequence of that recommendation, counsel, on September 10, 1954, petitioned the court, prior to trial, for the appointment of a commission to inquire into Ballem's mental condition, pursuant to the Mental Health Act of June 12, 1951, P. L. 533, as amended by the Act of June 14, 1952, P. L. 2052, 50 P. S. §§1071-1621. The petition was granted, and the court appointed a commission composed of Gabriel A. Schwartz, M.D., Marshall F. Shields, M.D., and Charles H. Heidmann, Esquire, who examined Ballem on September 27, 1954. The commission reported to the court, in part, as follows:

"Your commission is aware of the provisions of the Mental Health Act of 1951 as amended (50 Purdon's 1225) wherein it is stated '(d) If the court is satisfied that the person sought to be committed is mentally ill or mentally defective, it shall order the commitment . . . ' but is of the opinion that this section has not changed or altered the law of the Commonwealth of Pennsylvania as set forth in numerous decisions, to the effect that a person may stand trial if his mental condition is such that he comprehends his position with relation to the crime of which he is accused, can intelligently consult with his counsel in preparing his defense, and is able to make a rational defense."

The commission further stated:

"The commission is also aware that in Pennsylvania, the test for insanity, as it relates to crime, in (is) the ability to distinguish between right and wrong."

The commission then proceeded to a detailed statement of its specific findings as the result of the psychiatric examination and concluded as follows:

"On the basis of the above the members of the com-

mission conclude as follows: With reference to the mental condition of Francis X. Ballem:

1. He is not mentally defective; indeed, he is above average intelligence.

2. He has no evidence of organic disease of the nervous system.

3. He is an abnormal, immature, paranoid personality. He is mentally ill.

4. He is not insane. He can distinguish right from wrong.

5. Despite his mental illness he is able to comprehend his position with relation to the crime of which he stands accused.

6. Despite his mental illness he is able to confer with his counsel in an intelligent manner to prepare his defense.

7. Despite his mental illness he is able to make a rational defense to the crime of which he stands accused.

8. He is of criminal tendency."

Thus it is apparent that the commission applied to the question of insanity the so-called M'Naughten formula or right and wrong test which does not have nor has it ever had any application whatever to the capacity of the defendant to stand trial. The M'Naughten test is restricted to the question of criminal responsibility at the time of committing the act which is charged to be criminal. It is further to be noted that the commission made no finding whatever on the controlling question of whether the mental illness which they found had so lessened Ballem's capacity to use his customary self-control, judgment and discretion in the conduct of his affairs and social relations as to make it necessary or advisable for him to be under care.

The court, on October 22, 1954, accepted the report of the commission, made no specific findings of fact, and did not refer to the incomplete finding of the commission. It concluded "that the defendant is capable of standing trial."

This order did not answer the pivotal question posed by defendant's petition under §344 of the Mental Health Act of 1951. Counsel excepted to the order of the court on the ground that the commission's inquiry "should have been exclusively directed to the question of whether or not the defendant is mentally ill or in such condition that he require care in a mental hospital or is mentally defective." Thereafter, on November 22, 1954, the court carefully considered these exceptions; and while it dismissed them, it found that it was neither proper or required that Ballem be committed to a hospital for mental illness and, therefore, refused to so commit him.

On January 10, 1955, Ballem was brought before the court for the purpose of arraignment. At that time counsel presented a petition to the court under §67 of the Criminal Procedure Act of March 31, 1860, P. L. 427, 19 P. S. §1352, averring that Ballem was "insane" and asked the court to impanel a jury for the purpose of determining whether or not Ballem was sane and should be required to stand trial on the indictments. This is the section under which findings Nos. 5, 6 and 7 of the commission's report, which were immaterial to the resolution of the questions presented by the Mental Health Act of 1951, would be completely material. The court, in accordance with its proper legal discretion, on the same day refused to try the issue in limine by a jury.

The defendant was then arraigned and stood mute. The court, in accordance with law, directed that a plea of Not Guilty be entered of record; and the trial was commenced.

We pass by, as being immaterial here, any aspects of the trial except that which concerned the defense of insanity.

Counsel defended on the ground, inter alia, that the defendant at the time of the killing was insane. It is important to note that the question of insanity involved in this defense is not the same as the question of mental illness which confronted the court in the pre-trial stage, nor is it the question which later confronted the courts in the post-trial stage. It is, indeed, not the question which confronts the Board of Pardons now. Despite the fact that it has received almost universal condemnation from the medical profession, it is the law of Pennsylvania that a defendant may not be acquitted on the ground of insanity unless, as the trial judge correctly told the jury, "at the

time of the killing he was unable to understand the nature and quality of the act or to distinguish between right and wrong with respect to it because of disease of the mind."

The defendant called two experts, Dr. Albert M. Biele, the psychiatrist who is mentioned above, and Olive John Morgan, a psychologist. Both of them conceded, as the court told the jury, that the defendant knew the difference between right and wrong and that what he did was wrong; but they also stated that by the standards of society he was unable to control himself or his acts at the time of the killing because of his mental condition. Dr. Biele specifically testified that the defendant was suffering from a severe mental disease which he characterized as a paranoid psychosis.

The Commonwealth called, in rebuttal, two witnesses. One was Samuel Goldin, a druggist, who had seen Ballem approximately once a week in his drug store and had seen nothing which would lead him to the opinion that Ballem was not of normal mind. The second witness was Dr. George Wilson, a well known specialist in nervous and mental diseases, who examined Ballem on three occasions in September, 1954, and concluded that Ballem should be placed in the category of constitutional psychopathic inferior. He testified that Ballem was able to distinguish between right and wrong and that he was able to control his impulses.

It is apparent, therefore, that the defense testimony is to the effect that defendant was not only mentally ill but was insane since psychosis and insanity have the same meaning. It must be remembered, however, that insanity is not now and has never been a defense to the commission of crime in Pennsylvania. It is only where insanity is of the type or degree that it deprives the defendant of the capacity to know the nature and quality of his act or to know that that act was wrong that it provides such a defense.

The jury, after a trial which consumed approximately seventeen days and in which great latitude was given by the court to the defendant to produce all facets of the defendant's life, found the defendant guilty of murder in the first degree and fixed the penalty at death. The court overruled a motion for new trial and on December 16, 1955, sentenced Ballem to death, in accordance with the penalty fixed by the jury.

On January 12, 1956, Ballem filed an appeal in the Supreme Court of Pennsylvania. This Court affirmed the sentence of the Delaware County Court on June 25, 1956. *Commonwealth v. Ballem*, 386 Po. 20. Following this affirmation and an unsuccessful application for a writ of certiorari to the Supreme Court of the United States, application was made to the Board of Pardons for commutation of the death sentence. In due course it was publicly argued before the Board on February 20, 1957.

In preparation for the presentation of the matter before this Board, counsel had Ballem examined by Dr. Philip Q. Roche, of Philadelphia, a recognized expert in the field of forensic psychiatry. Dr. Roche made a report to counsel which was presented to the Board. The report shows that he conducted an examination of Ballem on February 16, 1957, in the office of Dr. N. S. Yawger, Psychiatrist of the Eastern State Penitentiary. In addition thereto, he took into consideration the previous psychiatric report of Dr. Biele, the psychological report of Dr. Morgan, the report of the Sanity Commission referred to above and the trial notes of testimony covering the psychiatric evidence of both defense and prosecution. The report, after receiving the results of the examinations, came to the following conclusions:

"In the light of the above findings, I regard Ballem as suffering with a mental illness as defined by the Pennsylvania Mental Health Act of 1951. It is advisable for him to be under care in a mental hospital. The original diagnosis of schizophrenia was correct."

The Board, therefore, at that time had before it all of the relevant facts noted above; but the Board knew also that the Act of 1951 had been amended in 1956. It is to be remembered that at this stage of the proceedings the right and wrong test has no application whatever. The test is whether Ballem was mentally ill under the

definition in the Mental Health Act of 1951 as changed by the Act of 1956.

Section 102 of the Mental Health Act of 1951 50 P. S. §1072, defines mental illness as follows:

"Mental illness' shall mean an illness which so lessens the capacity of a person to use his customary self-control, judgment and discretion in the conduct of his affairs and social relations as to make it necessary or advisable for him to be under care. The term shall include 'insanity', 'unsoundness of mind', 'lunacy', 'mental disease', 'mental disorder', and all other types of mental cases, but the term shall not include 'mental deficiency', 'epilepsy', 'inebriety', or 'senility', unless mental illness is superimposed."

Under §344 of that Act, 50 P. S. §1224, by interpretation of the Supreme Court, a defendant who was in jail under a death penalty or for any other term of imprisonment could petition the court for a sanity commission upon the allegation that defendant was mentally ill as therein defined. Under §345 of the Act, 50 P. S. §1225, upon the presentation of such petition the court may order an examination by two qualified physicians or a sanity commission. If the court is satisfied that the person sought to be committed is mentally ill as defined above, it must order his commitment to either a mental hospital or a state hospital for patients charged with or convicted of crime or with criminal tendency.

It must be noted at this point that under the Act of 1951 it was the court which had to be satisfied and not the commission. The court therefore had the discretion of accepting or refusing the recommendation of the commission although it could not act arbitrarily in either event.

The question arose, therefore, as to whether the Act of 1951 still applied in the light of the amendment of §344 by the Act of May 31, 1956, P. L. 1897. That amendment provided, inter alia, for the commitment of "any person whose penalty for crime has been fixed at death by a court or jury, or who has been sentenced to death, and it shall appear that such person is insane and such insanity shall have occurred since the penalty was fixed or sentence imposed." The term "insanity", as used in that clause, was defined to mean that "such person does not have capacity to understand the nature and object of the proceedings against him, to comprehend his own condition in reference to such proceedings, to understand the nature of the punishment to be inflicted upon him, and to confer with his counsel with reference thereto."

It is, therefore, important to note at this point that §344 was amended so that no longer could a petition be filed with respect to a man under sentence of death which alleged mere mental illness as defined by the Act of 1951. The petition would have to allege insanity as defined by the Act of 1956.

When this question was raised at the hearing before the Board, counsel asked leave to go back to the Delaware County Court to file a petition in accordance with the Act of 1956 so that questions relative to it might be raised which had not theretofore been raised or decided. The Board suspended decision on the application for commutation, and counsel did thereafter present a petition to the Delaware County Court. This petition alleged that Ballem was insane in accordance with the amendment of 1956. The Delaware County Court issued a stay of proceedings on March 5, 1957, and appointed a new commission composed of Dr. Harvey Bartle, Jr., Dr. Herman D. Staples, and Charles H. Heidmann, Esquire (the same lawyer who had been on the previous commission). The court specifically asked this commission to answer the following questions:

1. Whether the prisoner, Francis X. Ballem, is insane and does not have capacity to understand the nature and object of the proceedings against him.
2. Whether the prisoner, Francis X. Ballem, is insane and does not comprehend his own condition with reference to such proceedings:
3. Whether the prisoner, Francis X. Ballem, is insane and does not understand the nature of the punishment to be inflicted upon him.
4. Whether the prisoner, Francis X. Ballem, is insane

and is unable to confer with his counsel with reference thereto.

The court did not pose the additional question as to whether such insanity "shall have occurred since the penalty was fixed or sentence imposed."

The commission held hearings at which statements of counsel were presented, the testimony of witnesses was taken, certain documentary evidence, principally letters written by the defendant, was received and the defendant himself was examined. Thereafter the commission made two reports to the court, one submitted by Mr. Heidmann and Dr. Bartle, Jr., as a majority opinion, concluding that the defendant was not insane under the definition of "insanity" contained in the 1956 amendment to the Mental Health Act of 1951 and the other by Dr. Staples, as a minority opinion, concluding that the defendant was insane under such definition.

On May 15, 1957 the Delaware County Court, three judges being present, held a hearing in chambers during which the members of the court, as well as counsel for the defendant and the Commonwealth, questioned the members of the commission, after they were duly sworn, with respect to their reports. On June 3, 1957, the court, after considering the findings and recommendations of the sanity commission and having considered the evidence together with the additional relevant evidence heard by it on May 15, 1957, and upon consideration of the entire record in the case, found:

"1. That Francis X. Ballem does have capacity to understand the nature and object of the proceedings against him, and;

2. That the said Francis X. Ballem does comprehend his own condition with reference to such proceedings, and;

3. That the said Francis X. Ballem, does understand the nature of the punishment to be inflicted upon him, and;

4. That the said Francis X. Ballem, is able to confer with his counsel with reference thereto."

Hence, the court concluded that Ballem was not insane as defined by the Mental Health Act, as amended in 1956, and directed that its order be served upon those persons in authority responsible by law for carrying out the sentence theretofore imposed by the court.

Counsel for Ballem then took an appeal to the Supreme Court of Pennsylvania which, after argument, decided on March 17, 1958, that the Act of 1956 had amended the Act of 1951, as noted above, that it was in the discretion of the court to make the finding it did and that the Delaware County Court had not abused its discretion. *Commonwealth v. Ballem*, 391 Pa. 626.

Throughout the latter part of this case it was assumed by counsel, the Delaware County Court and the Supreme Court alike that the Act of 1956 had changed the Mental Health Act of 1951; but, as we have noted above, the Act of 1956 amended only §344 of the Mental Health Act of 1951, which prescribed the contents of the petition. Section 345, which is the only section which deals with the criteria upon which the court's order is to be predicated, was not amended and remains precisely as it was in the Act of 1951. Hence, a number of gnawing questions remain unanswered in this case which we note but do not attempt to decide:

1. In view of the fact that §345 of the Mental Health Act remains unamended, is not the amendment of 1956 and the later rearrangement of the section by the Act of June 13, 1957, P. L. 296, 50 P. S. §1224, completely abortive?

2. If the amendment of 1956 does apply to this case and Ballem is mentally ill as defined by the Act of 1951 but not insane under the more rigorous standard of the Act of 1956, would not such an interpretation make the attempted amendment ex post facto legislation in that it would subject Ballem to the death penalty by subsequent legislation where he was not subject to it at the time of his trial or afterward until the amendment?

3. Is the attempted amendment of 1956 fundamentally unfair in that it would set up the test of "mental illness" to be applied to all first degree murderers sentenced to life imprisonment but the more rigorous test of "insanity"

to be applied to first degree murderers sentenced to death?

Happily, it is not necessary or desirable that we attempt to answer any of these questions. We note them because we deem them to be important.

On this whole record the Board, conscious of its high duty in the premises, sought impartial help in the performance of our duty. As we said in the application of Norman W. Moon, whenever the courts of the Commonwealth have imposed the sentence of death in a trial found to be free of error, as was this one, weighty indeed must be the reasons which would move the executive arm of the government to extend clemency. In this case we decided to ask three eminent psychiatrists to review the entire case. We chose men who had no previous connection whatever with the case, and they were chosen without prior consultation either with representatives of the Commonwealth or with defense counsel. They are: Dr. Arthur P. Noyes,¹ Dr. Arthur O. Hecker,² and Dr. Vincent Lathbury.³

We referred the matter to them by letter dated July 9, 1958. Although as an independent constitutional body we are not restricted to the standards set up by the Legislature nevertheless we asked the opinion of these three psychiatrists on the basis of the criteria set up both by the Act of 1951 and the Act of 1956-57. Two separate sets of questions were asked:

1. (a) Is Francis X. Ballem mentally ill?

(b) If he is mentally ill, how would you describe that illness?

(c) If he is mentally ill, has that illness so lessened his capacity to use his customary self-control, judgment and discretion as to render it necessary or advisable for him to be under care?

(d) If he is mentally ill, is he so mentally ill that it is advisable, for his welfare or the protection of the community, that he be committed to other than a penal or correctional institution?

2. (a) Is Francis X. Ballem insane to such a degree that he does not have capacity to understand the nature and object of the proceedings against him?

(b) Is Francis X. Ballem insane to the degree that he does not comprehend his own condition with reference to such proceedings?

(c) Is Francis X. Ballem insane to the degree that he does not understand the nature of the punishment to be inflicted upon him?

(d) Is Francis X. Ballem insane to the degree that he is unable to confer with his counsel with reference thereto?

We are now in receipt of the unanimous report of the psychiatrists appointed by us. We attach it hereto and make it part hereof. The detailed answer to every question put by us shows that they are unanimously of the opinion that, applying either of the respective tests set up by the Act of 1951 or of 1956-57, Ballem is both mentally ill and insane under the law. Even assuming the correctness of prior contradictory conclusions the best advice we get on the subject is that Ballem is presently insane. If it be true that he was not insane at the time of the trial or at the time the Delaware County Court acted upon the matter, it may well be that the progressive nature of his condition has rendered him insane since that time, thus meeting in every way the standards set up by the Act of 1956-57.

We have gone into this matter at length to demonstrate not only the importance of the decision which we have reached but also that the case has a complicated

¹ Diplomate in Psychiatry, American Board of Psychiatry and Neurology; 42 years specializing in psychiatry; Former President of the American Psychiatry Association; Superintendent of Norristown State Hospital, 1936-

² Graduate of University of Pittsburgh Medical School, 1933; Psychiatrist since 1935; Diplomate of American Board of Psychiatry and Neurology; Examiner of the American Board of Psychiatry; Fellow of the American Psychiatric Association; Fellow of American College of Physicians; Past President of Philadelphia Psychiatric Society; Superintendent of Embreeville State Hospital.

³ Assistant Professor of Psychiatry, School of Medicine, University of Pennsylvania; Member of the staff of Institute of the Pennsylvania Hospital, Philadelphia; Diplomate of American Board of Psychiatry and Neurology.

history. We are not attempting to usurp the functions of the court. It must never be forgotten that courts act in accordance with law, while executive clemency acts in accordance with humanity and mercy. Sometimes there may be a conflict, but we see none here. Therefore we unanimously recommend, in accordance with Article IV, Section 9, of the Constitution, that Your Excellency, as Governor of the Commonwealth, commute the sentence of Francis X. Ballem from death to life imprisonment.

It is, of course, important to emphasize that our action does not mean that Ballem will be released into society. Indeed, it is our view that he should not remain in the prison population at the Eastern Penitentiary but should be transferred to Farview, an institution for the criminally insane. Such transfer, however, is beyond our power and may be accomplished only by application to the Delaware County Court. Since Ballem will no longer be under sentence of death, it is clear that under any view of the law it need not be demonstrated to the satisfaction of the court that Ballem is insane but merely that by reason of illness his capacity to use his customary self-control, judgment and discretion in the conduct of his affairs and social relations has been so lessened as to make it necessary or advisable for him to be under care. On this point we venture no prediction as to the decision of the court except to say that such mental illness seems to have been virtually conceded by the last commission, the Commonwealth, the court and the Supreme Court as well. Should he be committed to Farview, he will remain there for the rest of his natural life unless, in the providence of God, he is cured, in which event he will not be released but will be transferred to a penitentiary for imprisonment for the rest of his natural life in accordance with law. This is a bleak prospect for him and one which, had he the choice, he might reject in favor of death in the electric chair; but it is a result which represents the unbroken policy of the common law of England and the law of Pennsylvania for hundreds of years that an insane man may not be executed. *Commonwealth ex rel. Smith v. Ashe*, 364 Pa. 93, 116 (1950).

Respectfully submitted,
Lieutenant-Governor.
Secretary of the Commonwealth.
Attorney General.
Secretary of Internal Affairs.

The above recommendation is approved.
Governor.

July 28, 1958.

Hon. Thomas D. McBride
Attorney General
Harrisburg, Pa.

Dear Sir:

On July 25, 1958, the undersigned, in accordance with your request of July 9, 1958, met at the Eastern Penitentiary, Philadelphia, and examined Francis X. Ballem, who on January 27, 1955, was convicted of murder in the first degree and the penalty fixed at death. Prior to the examination each of us had availed ourselves of the opportunity to read a copy of the record of the case which you had kindly provided.

The examination of Ballem was made in private, i.e., no persons were present except the prisoner and the examiners. The occasion for the examination was explained to Ballem. He answered all questions and cooperated in the examination. His voice was slightly feminine in quality. He was observed to have a long, untrimmed full beard and his uncut hair reached to his shoulders. When asked why he did not shave or permit his hair to be cut he answered, "I feel much more Elizabethan and conservative with hair, beard, and not to wear clothing." While the prisoner occasionally showed a moderate change of mood his face was usually expressionless and, as is frequently seen in chronic schizophrenia, lacked a normal play of emotional manifestation. While he had been clothed by prison personnel for the purpose of being brought to the examining room we were told that he never wears clothing in his cell but lies nude on his bed. He does not bathe and a distinct

body odor was noticeable. We were informed by the warden that Ballem apparently never has any desire to associate with other prisoners. About a week prior to the examination the prison personnel discontinued the practice of giving Ballem special food and since then he has refused to eat. In response to our inquiry as to why he refused he stated that he did not like the smell of the food. When asked if he would starve if he persisted in his refusal to eat he replied, "Starvation is not my destiny. My destiny is to be destroyed." When asked how long this had been his destiny he replied, "5,500,000 year, perhaps for eternity. I was aware of it since 5 was 18 or 19 years of age." "Destiny" was a term Ballem used many times during the examination, not only in reference to his expected death by electrocution but in reference to many events.

Inquiry was made of Ballem as to how he spent the long hours of confinement in his cell. "In passive contemplation," he replied. When asked as to what he meant by this term he proceeded with a vague and seemingly meaningless discussion about not selecting the subject of contemplation and about colors, and how he saw green and many other changing colors. An effort was made to ascertain if he had been experiencing visual hallucinations but little could be learned from his reply to the effect that "Even the supernatural is natural."

When Ballem was questioned concerning the killing of John Dopriak he replied, "I never deliberately harmed anyone. Destiny was involved in the killing of Dopriak. He did not cooperate with me in respect to the saving of his life. No personal feelings entered into the crime. I was an instrument of destiny. It must have been Dopriak's destiny to die. I did not intentionally kill." He was then asked about his feelings of right and wrong in respect to the killing of Dopriak. To this he replied, "It was beyond right and wrong. It was above morals."

In your letter of July 9, 1958, containing instructions concerning the examination of Ballem you submitted two sets of questions concerning which you desired our opinion. The first set of questions and our replies are as follows:

(a) Is Francis X. Ballem mentally ill?

Answer: In our opinion Ballem is mentally ill. Ballem himself does not believe this to be the case. When asked if he believed he were mentally ill he replied, "There is nothing wrong with my mind. My cerebration is O.K. It would cause harm if you reported that I am mentally ill." In reply to our inquiry if there is any disturbance in the emotional aspect of his mind he answered in the negative but added, "I was emotionally neurotic in my early 20's but never since then." When asked what he believed to be the purpose of our examination he replied, "Someone wants to investigate human motivation."

(b) If he is mentally ill how would you describe that illness?

Answer: Ballem is suffering from a mental illness diagnosed as paranoid schizophrenia. In his case it is manifested by (1), a tendency for his associations of thought to become involved, to lack logical relationship, by (2), a deterioration and impoverishment of emotional expression, a poverty of feeling tone, an insidious narrowing of interests, a withdrawal from spontaneous and normal association with other persons, by a withdrawal of feeling or affect from external realities back into himself and an indifference to those sentiments and subjective values that make life worth living for the person in mental health, by (3), negativism, as manifested by his refusal of food, by (4), the formation of illogical belief, such as that the wearing of a beard and long hair makes him feel "Elizabethan" and "conservation," by (5), a paranoid trend in his thinking, e.g., although his counsel apparently sought by every possible legal means to defend him he believes that the attorney was "occupied in skullduggery." He added "The judge was of the same pattern."

(c) If he is mentally ill has that illness so lessened his capacity to use his customary self-control, judgment and discretion as to render it necessary or advisable for him to be under care?

Answer: In our opinion his mental illness has so lessened his capacity to use his customary self-control,

judgment and discretion as to render it necessary and advisable for him to be under care.

(d) If he is mentally ill is he so mentally ill that it is advisable for his welfare or the protection of the community that he be committed to other than a penal or correctional institution?

Answer: In our opinion Ballem is so ill mentally that it is advisable both for his welfare and the protection of the community that he be committed to a hospital for the criminal insane.

The second set of questions and our replies are as follows:

(a) Is Francis X. Ballem insane to such a degree that he does not have capacity to understand the nature and object of the proceedings against him?

Answer: In our opinion Ballem does not have the capacity to understand fully the nature and object of the proceedings against him. When asked the object of the proceedings he replied, "The fulfillment of destiny." He was then asked if he should have been brought to trial to which he made a meaningless reply. He then added, "The nature of the trial was to fulfill my particular destiny." He added, "A special force knows how to fulfill destiny."

(b) Is Francis X. Ballem insane to the degree that he does not comprehend his own condition with reference to such proceedings?

Answer: In our opinion Ballem is insane to such a degree that he does not fully comprehend his own condition with reference to the proceedings in question. When questioned in respect to this matter he replied, "I should not have been tried for murder. The trial for murder was unnecessary. I know I was not a murderer."

(c) Is Francis X. Ballem insane to the degree that he does not understand the nature of the punishment to be inflicted upon him?

Answer: Apparently Ballem realizes that a death penalty has been directed yet his comprehension of it is not that of a sound mind. When asked what his reaction would be to a commutation of his sentence he replied, "Let well enough alone. No one can tell what would happen if one interferes with destiny. It would be a serious mistake to commute my sentence. It would not be right to commute my sentence. Another death would result from a commutation. I don't know that this would result but it might happen."

(d) Is Francis X. Ballem insane to the degree that he is unable to confer with his counsel with reference thereto?

Answer: In our opinion Ballem is unable to confer with counsel with reference to his case or to any further proceedings in his behalf. Knowing his delusions concerning the counsel who defended him at his trial we asked him if he would wish to confer with some other lawyer if he objected to the one who represented him at his trial. He replied, "I do not want to talk with a lawyer. There is no use in talking with a lawyer. I would not communicate with a lawyer who could save my life. His conscience would bother him later. Harm would come so that my destiny could not be fulfilled." Manifestly a person with such beliefs is not able to confer rationally with counsel.

It is our conviction that Ballem is not malingering.

We wish to add that the three examiners are unanimous in all conclusions expressed herein. At no time was there any suggestion of a difference of opinion in respect to any question.

If there are any matters or questions concerning this report which you would like to discuss with us we shall be glad to make ourselves available for interview.

Very truly your,
/s/ Arthur P. Noyes, M. D.
/s/ Arthur O. Hecker, M. D.
/s/ Vincent T. Lathbury, M. D.

BOARD OF PARDONS

In re application of Harry Karl Barnett, No. A-4527, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due

public notice, in open session, the undersigned members of the Board of Pardons recommend that Harry Karl Barnett, convicted of disorderly conduct in the Magistrate's Court of Chester County, on December 23, 1949 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is 30 years of age, and was convicted in December, 1949 of disorderly conduct and sentenced to pay a fine and the costs of prosecution. Since this offense, he has led a law-abiding life and now desires to obtain the clemency of the Commonwealth in order to advance himself in his work.

The Trial Judge, the Honorable William F. Dannehower, stated he has no objection to a pardon. The District Attorney of Montgomery County also has no objection.

The Board is in receipt of a letter from the Superintendent of the Lower Merion Township Police Department, indicating that the disorderly conduct for which the applicant was convicted was a foolish attempt on his part and on the part of the two accomplices to impersonate police officers, and, so obvious was the ridiculous nature of their attempted impersonations, that the charge was reduced to disorderly conduct. The fine and costs amounted to less than \$50.00.

Since 1949, the applicant has worked for various concerns as a salesman, the latest being the Olen Mathison Chemical Corporation, and he believes he may be able to advance himself more rapidly if this minor offense could be cleared off his record.

The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Gerhard S. Bieringer, 3119-E, No. A-3478, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Gerhard S. Bieringer, convicted of voluntary manslaughter in the Court of Oyer and Terminer of Delaware County on February 4, 1955, computed from January 21, 1955 be commuted from 5 years to 3 years, 10 months, expiring on November 21, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 59 years of age, was the owner of a hotel and became involved with the janitor of his hotel in an altercation. The janitor was under the influence of liquor at the time. As a result of this altercation, a revolver shot killed the janitor. There were many factors in favor of the applicant, and he received a very light sentence.

The applicant was educated and admitted to the practice of medicine in Germany, and came to this country some years ago. He was not admitted to the practice of medicine in Pennsylvania although statements were made that he was well qualified to practice if so admitted, and while incarcerated at the Delaware County Prison farm, he rendered invaluable service to Dr. Di Medio, the Prison physician.

At present, the applicant is suffering from cancer of

the throat which prevents him from talking. He was released from the Delaware County Prison about a year ago, and he can be employed by any reputable hospital in their clinical laboratories. He finds, however, that being subject to parole supervision handicaps his efforts to secure employment. Dr. Di Medio assures him employment.

The District Attorney of Delaware County was not opposed. The sentencing judge, the Honorable Arthur P. Brethrick, expressed his opposition a year ago to a commutation but did not now object. The Board of Parole is not opposed.

The Board believes that this man, who is suffering from an incurable disease, is yet able to do some valuable work in clinical laboratories and he should not be deprived of this opportunity of serving his fellow men. The Board, therefore, recommends a commutation of his maximum sentence so that he may be employed without parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Vincent J. Bove, No. 4656, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Vincent J. Bove, convicted of attempted larceny in the Court of Quarter Sessions of Chester County, on February 2, 1932 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant and two accomplices stole an automobile, and was sentenced to the Pennsylvania Industrial School effective February 8, 1932. He was released under parole in March 1933, and, since then he has lived a law-abiding life, being active in church, Boy Scouts, and Police Athletic League work. At present, he is employed in the police garage of the Newark Police Department for the past 18 years.

The Board is in receipt of letters of recommendation as to the character and conduct of the applicant from various persons in Newark, New Jersey. The New Jersey Board of Parole wrote that the applicant has led a law-abiding life and has never been arrested for any offense.

The applicant desires to clear his record so that his family may be saved any further embarrassment.

The Board therefore recommends that a pardon be granted.

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Respectfully submitted,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Edward M. Brewer, Jr., E-7400, No. A-4629, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Edward M. Brewer, convicted of burglary, larceny, receiving stolen goods in the Court of Oyer and Terminer and Quarter Sessions of Montgomery County on March 16, 1956 be commuted from 4 years to 2 years, 8 months, 10 days, expiring on November 26, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 28 years of age, was involved in the burglarizing of dwellings in Philadelphia, Delaware and Montgomery Counties, in which money and jewelry was stolen.

The applicant was sentenced in Philadelphia County to a term of 2½ to 25 years, effective November 4, 1954. He was sentenced in Delaware County to a term of 3½ to 7 years, effective November 4, 1954. He was also sentenced in Montgomery County to a term of 4 to 8 years, effective the same date and to be served concurrently. However, the Montgomery County sentence was corrected to comply with the Act of May 28, 1937, and to be effective from the date of imposition, March 16, 1956. This applicant was paroled by the Board of Parole at the expiration of his Philadelphia County sentence and at the expiration of his Delaware County sentence. He has been incarcerated continuously since November 4, 1954, over 3½ years, of which 2 years, 3 months has been served on the present sentence.

The Trial Judge has retired. However, the Montgomery County President Judge, the Honorable William F. Dannehower, stated he was opposed to commutation. The District Attorney of Montgomery County also stated he was opposed.

The prison staff states that the applicant has established an excellent institutional record by earning top level reports for behaviour work, education, and adjustment. He is considered an unusually meritorious case.

The applicant has served well over half of his minimum sentences from Montgomery and Delaware Counties, and, in view of the excellent record this applicant has made in the penitentiary and his evident efforts to improve, the Board believes that the applicant, if released, will conduct himself as a lawabiding citizen. The Board, therefore, recommends that his minimum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents.
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of George Bucher, No. A-4687, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that George Bucher, convicted of burglary in the Court of Oyer and Terminer of Northampton County, on September 18, 1929 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant, who is now 47 years of age, became involved with a companion in the breaking and entry of a small store and taking a box of cigars and 3 cartons of cigarettes. The loot totalled \$9.50. The applicant was then 18 years of age and was sentenced to a term of 4 months in the Northampton County Prison. He was released about 2 months later. Since 1929, the applicant has not been involved in any criminal offense.

The Trial Judge is deceased, but the Honorable William G. Berthold states that he would rely upon the Board for any decision it may make. The District Attorney of Northampton County also stated that he had no objection to clemency being granted.

The applicant is married and has two children. He, together with his family, resides in a very comfortable home located in a suburban area of Montgomery County. Inquiry was made by the parole agent among the applicant's neighbors and associates as to his conduct and it was revealed that the applicant is highly esteemed and bears an excellent reputation as a citizen.

The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Chandler, D-9356, No. A-4387, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Joseph Chandler, convicted of murder in the first degree in the Court of Oyer and Terminer of Philadelphia County on January 7, 1947 be commuted from life imprisonment to 11 years, 10 months, 20 days, expiring on November 27, 1958.

Our reasons for making this recommendation are as follows:

This applicant, who is 56 years of age, denied his guilt and has consistently maintained his innocence. It appears that the victim was found dead on the streets of Philadelphia. The applicant maintained that he was not in Philadelphia on the particular night having been in New York City where he was employed.

An investigation was conducted by the Philadelphia District Attorney's office in cooperation with the Police Department, and, after an exhaustive examination of the facts, it was concluded that the applicant could not have committed the offense.

The District Attorney of Philadelphia, who conducted the investigation, stated in December, 1957 that he was opposed to a commutation. However, after a full report of this investigation was submitted in June, 1958 the District Attorney reversed his position and stated that he was not opposed to a commutation, that the victim met his death by persons unknown, and that the conviction of the applicant was sustained by a chain of circumstantial evidence, although further investigation indicated that it was either impossible or improbable for the applicant to have committed this offense at the day and hour alleged.

The applicant has been incarcerated for eleven and one-half years.

The Board believes that there is persuasive if not conclusive evidence that this man is innocent of the crime charged and should be released. The Board, therefore, recommends that his life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John H. Connors, No. A-4546, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that John N. Connors, convicted of Operating a Lottery in the Court of Oyer and Terminer of Allegheny County, on November 24, 1948 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant was arrested in 1948 when he was picking up numbers slips and paid a fine and costs. He admitted he was collecting number slips, but claimed he did not write numbers nor was he conducting a lottery.

The applicant is 31 years of age, and is presently employed as a plumber's laborer. He worked formerly as a janitor. He desires a pardon to be able to secure better employment. He has been in no further trouble since this offense and has become a respected citizen of the community. In fact, he bore a good reputation prior to this offense. He is married and has two children.

The sentencing judge, the Honorable Henry X. O'Brien, advised the parole agent that he was not opposed to the granting of a pardon, and the Assistant District Attorney informed the Board that his office had no objection to the granting of a pardon.

In view of the favorable reputation of the applicant, and the fact that neither the sentencing judge nor the District Attorney is opposed to a pardon, the Board recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Russell Cosgrove, C-3055, No. A-3479, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due

public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Russell Cosgrove, convicted of armed robbery, receiving stolen goods in the Court of Oyer and Terminer of Allegheny County, on October 17, 1949, computed from April 23, 1953 be commuted from 6½ years, less 2 months to 5 years 9 months 26 days, expiring on November 23, 1958.

Our reasons for making this recommendation are as follows:

This applicant and his accomplice robbed several stores at gun point and secured a quantity of narcotics valued at \$265.00 and cash amounting to over \$400.00.

The applicant was on parole when he committed these offenses, and he was therefore compelled to serve his backtime before commencing his present sentence, with the result that he has been continuously confined for over 8½ years.

The applicant has been working in the Weave Shop and is presently a suit marker. He is highly rated in his work and his conduct. He has attended school and has earned a High School Diploma. He is frugal with his money, and has over \$400.00 in Savings Bonds.

The Trial Judge, the Honorable John J. Kennedy, wrote the Board that he did not object to commutation if the staff felt the applicant was rehabilitated. The Assistant District Attorney advised the Board his office was not opposed, because the applicant has served such a long period of time.

An aunt of the applicant was present, and advised the Board she will give him a home, if he is released.

The Board feels that further incarceration would probably serve no useful purpose and that, if this applicant is ever to be released, now is probably the optimum time. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Richard R. Crowe, C-2809, No. A-4130, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Richard R. Crowe, convicted of burglary, larceny, receiving stolen property in the Court of Oyer and Terminer and Quarter Sessions of Westmoreland County, on August 26, 1952, computed from August 1, 1952 be commuted from 10 years to 6 years 3 months 20 days expiring on November 21, 1958.

Our reasons for making this recommendation are as follows:

This applicant, separated from his family, was living in the woods. In order to exist, he burglarized several stores and obtained cash and merchandise. He was apprehended when he attempted to commit another burglary.

Since being admitted to the penitentiary, the applicant has remained at his initial place of employment, the hospital, and has risen to the position of Head Laboratory Technician. He has made excellent progress and continues to earn good reports from his supervisors.

The sentencing judge is retired. However, the President Judge, the Honorable John M. O'Connell, wrote the Board that in his opinion, the sentence was rather severe and he

recommended that the sentence be commuted. District Attorney Earl S. Keim wrote the Board that any action taken will be satisfactory to him.

This applicant has served nearly 6 years of his minimum sentence of 10 years. The Board was advised that one of the doctors at the penitentiary has taken a great interest in him and will assist him in every way if released.

The Board feels that further incarceration will probably serve no good purpose and that this applicant, whose adjustment has been excellent, will continue to improve if released.

The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Richard Culmer 8695-A, No. A-4640, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Richard Culmer, convicted of robbery, etc. in the Court of Quarter Sessions of Philadelphia County, on December 18, 1942, computed December 5, 1945 be commuted from 20 years to 12 years 11 months expiring on November 5, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until December 5, 1965.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles J. Dion, No. A-4654, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Charles J. Dion, convicted of robbery in the Court of Oyer and Terminer of Columbia County on May 7, 1952, computed from May 11, 1956 be commuted from 5 years to 2 years 6 months 11 days expiring on November 22, 1958.

Our reasons for making this recommendation are as follows:

The applicant and his accomplice, Louis J. Biancone, were involved in a series of robberies in Lancaster and Columbia Counties. In Lancaster County, they held up a gas station and robbed the attendant of \$79. In Columbia County, they entered a taproom near Bloomsburg and proceeded to hold up the establishment, robbing the bartender and patrons, and obtaining about \$385.

This applicant had to serve a backtime for a parole violation, while his accomplice, Biancone, immediately entered on service of his sentences. The Board is of the opinion that these two men should serve equal time and therefore, recommend the commutation of the applicant's Columbia County sentence so that he can commence service on the Lancaster County sentence.

The President Judge of Columbia County, the Honorable C. W. Kreisher, is opposed to the application, as is the President Judge of Lancaster County, Joseph B. Wissler. The parole agent reports that the District Attorney of Columbia County indicated that he would probably oppose the granting of commutation.

On a writ of Habeas Corpus before the Honorable George A. Welsh, in the United States District Court at Philadelphia, the Judge wrote to Wm. J. Woolston, Esquire, that the Lancaster County crime for which the applicant was convicted was committed by George Homan, who so testified at this Habeas Corpus hearing. Although the judge did not express his opinion as to the creditability of George Homan's testimony, he did say that Mr. Homan made a favorable impression upon him. The notes of testimony on the Habeas Corpus proceedings are a part of the record of this application.

The Board of Pardons is not in position to investigate this case but does believe that this applicant, who has consistently maintained his innocence of the Lancaster County offense, is deserving of some consideration, and therefore, the Board is recommending that his Columbia County sentence be commuted in order for him to start his Lancaster County sentence. It is to be noted that the applicant has been incarcerated for 6 years, having served 4 years backtime and 2 years on his present sentence. He will, of course, not be released as he will start to serve the Lancaster County sentence.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Richard Harry Driscole, No. A-3031, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Richard Harry Driscole, convicted of Forgery and Falsification in the

Court of Quarter Sessions of Lackawanna County, on August 19, 1953 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant was sentenced for the crime of forgery and embezzlement to a term of 3 to 6 years. At that time, he was employed by the Quaker State Finance Company, and, through a series of manipulations, he admitted embezzling some \$10,350. A further check and audit of his accounts as Manager showed a shortage of some \$44,000. He had no prior criminal record.

The applicant was paroled in August 1956. Since his release on parole, he has worked as an office Manager for a building contractor's firm, but the opportunity has now presented itself for the applicant to obtain a position with an Industrial Loan Company, a field in which the applicant has had much experience. He requires a pardon in order to qualify for a Bond, which is necessary in this position.

The Trial Judge, the Honorable M. J. Eagen, stated to the parole agent that he favors a pardon, for he believes the applicant will never again become involved in embezzlement. The District Attorney did not express his opinion as to the merits of the application. The Parole Board indicates that the applicant has made a very satisfactory adjustment and enjoys a good reputation in the community.

The Board is of the opinion that this applicant will conduct himself as a law-abiding citizen in every respect in the future and, therefore, recommends that a pardon be granted.

Respectfully submitted

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents.
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Walter DuVall, A-9177, No. 4264, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Walter DuVall, convicted of assault and battery and rape in the Court of Oyer and Terminer of Philadelphia County on June 2, 1936 be commuted from 15 years plus 9 years, 5 months, 27 days, back parole-time to 12 years, 8 months, 3 days, (plus backtime) expiring on August 2, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until November 29, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Earle D. Ferguson, D-5266, No. A-1707, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Earle Ferguson, convicted of Murder in the First Degree in the Court of Quarter Sessions of Philadelphia County on October 3, 1940, computed from August 3, 1939 be commuted from life imprisonment to 19 years, 3 months, 20 days, expiring on November 23, 1958.

Our reasons for making this recommendation are as follows:

The applicant is 49 years of age. His offense grew out of his affection for a married woman who would not leave her husband to marry him. In a jealous rage, he shot and killed her. He had two trials, at the first of which he pled not guilty, and at the second of which he pled guilty and was sentenced to life imprisonment.

The penitentiary staff reported that the applicant has maintained an unblemished disciplinary record, and that the institutional report from every department is quite satisfactory. He has served nearly 19 years.

The Trial Judge is deceased. The District Attorney of Philadelphia County stated that he had no objection, believing the applicant to have been sufficiently punished.

The Board believes that the applicant has been punished for this offense, having served almost 19 years of his life. The Board, therefore, recommends that his sentence be commuted to life on parole.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
NOT SITTING
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Roland Frazier, 23-C, No. 6395, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Roland Frazier, convicted of robbery, attempted holdup; violation of Witkin Firearms Act in the Court of Oyer and Terminer of Philadelphia County on December 22, 1942 be commuted from 20 years to 15 years, 11 months expiring on November 22, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the

applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until December 22, 1962.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James A. Gallagher, No. A-4613, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that James A. Gallagher, convicted of use and possession of drugs in the Court of Oyer and Terminer of Montgomery County, on September 18, 1922 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant was convicted of drug possession and use, and sentenced to pay a fine of \$10.00 and be imprisoned for 18 months in 1922. Since 1922, the applicant, who is 64 years of age, has led a fairly law-abiding life, although he was arrested for surety of the peace, at which time the records indicate that he was either released or discharged following the hearing.

The applicant desires to obtain a pension, having developed a heart condition as a veteran in World War I. The Service Officer of the Veteran's of Foreign Wars from Berks County, appeared before the Board and stated that it would be necessary for the applicant to obtain a pardon in order to receive a pension. This requirement is not in accordance with the law.

During the years the applicant has been employed by various concerns in the city of Reading, and his latest employer is the City of Reading in the Highway Department.

Both the District Attorney's office and the President Judge, William F. Dannehower, stated they had no objection to granting a pardon to the applicant.

The Board, therefore, recommends that this applicant who had a satisfactory war record, and being disirous of obtaining a pension and if a pardon will facilitate obtaining a pension, the Board affirmatively recommends the granting of clemency of the Commonwealth.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents.
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In reapplication of Theodore Geisler, B-8417, No. 1619, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Theodore Geisler, who pled guilty to the crime of assault and battery with intent to commit armed robbery, in the Court of Oyer and Terminer of Allegheny County on October 22, 1942, computed from September 13, 1946, be commuted from 15 years to a new maximum of 12 years, 2 months, 10 days, expiring on November 23, 1958 and further recommend that the minimum sentence of Theodore Geisler, convicted of robbery and receiving stolen goods, in the Court of Oyer and Terminer of Allegheny County on December 16, 1942, to be served consecutively, be commuted from 20 years to a new minimum of 1 day, expiring on November 24, 1958.

Our reasons for making this recommendation are as follows:

The applicant and an accomplice held up a drug store, and, in the course of the robbery, assaulted the Manager of the store. When making the arrest of the applicant and the accomplice, a policeman was shot in the arm. The applicant and his accomplice were also involved in a food market hold-up.

The applicant at the time of the commission of this offense, was on parole. When sentenced he had to serve 3 years and 11 months of backtime before commencing the service of the present sentence. He has, therefore, been in the penitentiary for over 14 years. The accomplice, Michael Pagan, had his sentence commuted by the Board of Pardons in January 1955, and was paroled in April 1955.

The Trial Judge, the Honorable A. Marshall Thompson, expressed the opinion in 1956 that the applicant did not deserve a commutation, being in the Judge's opinion a dangerous criminal. The District Attorney's office stated that it was not opposed to a commutation of this sentence in view of the applicant's service of almost the entire minimum sentence.

The Board is in receipt of a letter from the Director of Treatment in the Western State Penitentiary, stating that the applicant has had an apparent change in his thinking and attitude, and that the staff believes that this may be the optimum time to recommend the granting clemency. The staff also indicates that the applicant is now giving an outstanding performance in the difficult job of a male nurse in the prison hospital.

The Board believes that a man who has been continuously confined since 1943, and has shown a marked adjustment in his personality, will probably conduct himself as a law-abiding citizen if released. The Board, therefore, recommends that his sentences be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents.
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Andrew Harbaugh, C-3585, No. A-2946, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Andrew Harbaugh, convicted on burglary, larceny, receiving stolen property in the Court of Oyer and Terminer of Westmoreland County on August 25, 1954 be commuted from 24 years to 4 years, 3 months, expiring on November 25, 1958.

Our reasons for making this recommendation are as follows:

This applicant, and accomplice, burglarized several summer cottages. He was arrested when a nephew implicated him, plead not guilty, but was found guilty by a jury. The loot, consisting of jewelry, clothing, furniture, tires and other items, was valued at over five hundred dollars. The accomplice was given a similar sentence which he is presently serving.

The Trial Judge is retired. However, the President Judge, the Honorable John M. O'Connell, advised the Board of Parole, that he was not opposed to the granting of clemency. The District Attorney of Westmoreland County wrote the Board that any action taken by it would be satisfactory to him.

The Board was advised at the Hearing that the father of this applicant is 90 years of age and his mother is 79 years of age. They live on a farm and they are in need of the assistance of the applicant.

The applicant has not attended any classes at the institution, but he has been consistent in his worship attendance and other spiritual interests. His institutional record has been clear. This is his first imprisonment.

The Board feels that this applicant, who is 56 years of age and who has served nearly 4 years of his minimum sentence, has been sufficiently punished. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Thomas Harding, B-6624, No. A-2724, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Thomas Harding, convicted of murder in the first degree in the Court of Oyer and Terminer of Allegheny County on February 27, 1939, computed from December 28, 1938 be commuted from life imprisonment to 19 years, 11 months, expiring on November 28, 1958.

Our reasons for making this recommendation are as follows:

This applicant had been drinking heavily and became involved in an argument with the victim. They called each other vicious names, resulting in a fight. The applicant, who was threatened by the victim, secured a revolver. Later, when chased by the victim he became fearful of his life, drew his gun and fired, killing the victim instantly.

At the present time the applicant has served over nineteen years of his life sentence. The prison staff indicates

that he shows evidence of maturity and stability, and he maintains a healthy attitude.

The sentencing judge, the Honorable W. Walter Braham, is willing to have the sentence commuted. He is, however, no longer on the Bench. The Assistant District Attorney was not opposed.

The Board feels that, because this applicant has been able to rehabilitate himself in the prison so as to merit the confidence of the prison authorities, he is entitled to consideration at this time. The Board, therefore, recommends that his sentence be commuted to life on parole.

Respectfully submitted,

((Sgd) ROY E. FURMAN,
Lieutenant-Governor.
((Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

((Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Horner, 2608-C, No. 9434, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Joseph Horner, convicted of armed robbery in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on May 1, 1947, computed from February 7, 1947 be commuted from 15 years (plus parole time) to 11 years, 9 months, 10 days expiring on November 17, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until January 3, 1963.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

((Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

((Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Frederick J. Kellner, E-7060, No. A-4634, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the minimum sentence of Frederick J. Kellner, convicted of burglary in the Court of Oyer and Terminer of Northumberland County on November 28, 1956, computed from October 11, 1956 be commuted from 2½ years to 2 years, 1 month, 10 days, expiring on November 21, 1958.

Our reasons for making this recommendation are as follows:

The applicant and two accomplices, broke into a Country Club, pried open the pinball machine and cash register, and stole about \$300.

The applicant had previously been involved in minor criminal offenses, such as driving an automobile while under the influence of liquor and disorderly conduct, but this offense was his first serious crime.

The Trial Judge, the Honorable William I. Troutman, wrote the Board that he had no objection to a commutation. The District Attorney of Northumberland County did not express his opinion as to the merits of the application.

The penitentiary staff reports that the applicant has made a satisfactory adjustment and has a good work and conduct record. He has now served nearly three-fourths of his minimum sentence.

The Board is of the opinion that the opportune time may have arrived in the life of this young man when the mercy of the Commonwealth being extended will help considerably in his rehabilitation.

The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

((Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents.
Secretary of Internal Affairs.

The above recommendation is approved:

((Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph W. Klopp, No. 8640, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that Joseph W. Klopp, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Lebanon County, on November 22, 1944 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant, who was a police officer, was convicted of burglary and sentenced to 3½ to 10 years imprisonment in 1944. He was released in 1948. He is now 40 years of age.

Upon his release from the penitentiary at the expiration of his minimum sentence, the applicant moved with his family to Cambridge, Maryland. He subsequently became engaged in police work and applied and obtained a position as Deputy Sheriff of Dorchester County, Maryland, a position he has filled for the past 10 years. He hopes to obtain the nomination for Sheriff, and therefore, wants to obtain a full pardon.

The Trial Judge, the Honorable A. H. Ehrgood, recommends favorable consideration for this application. The District Attorney of Lebanon County also stated that he has no objection to the granting of a pardon to the applicant.

On file with the Board of Pardons are letters of recommendation from Governor McKeldin of Maryland, the State Attorney for Dorchester County, the Mayor of the City of Cambridge, Maryland, the Sheriff of Dorchester County and many other letters from prominent citizens of Maryland. The Sheriff of Dorchester County and one of the Magistrates of that county appeared at the hearing and expressed their high confidence in the applicant.

The Board is of the opinion that this man has rehabilitated himself and has earned the esteem of many of the citizens of the community. The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,
 (Sgd) ROY E. FURMAN,
 Lieutenant-Governor.
 (Sgd) JOHN S. RICE,
 Secretary of the Commonwealth.
 (Sgd) THOMAS D. McBRIDE,
 Attorney General.
 (Sgd) GENEVIEVE BLATT,
 Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
 Governor.

BOARD OF PARDONS

In re application of William Koster, C-4481, No. A-4599, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the minimum sentence of William Koster, convicted of forgery in the Court of Quarter Sessions of Westmoreland County on June 25, 1957, computed from June 7, 1957 be commuted from 2 years to 1½ years, expiring on December 7, 1958.

Our reasons for making this recommendation are as follows:

This applicant, while drinking, forged the signature of Vladimir Petrovich to a Federal Income Tax Refund check in the amount of \$119.19. He signed his own name, and, when picked up by the police, he admitted his guilt.

The sentencing judge is retired, and the Board has word from the Honorable John M. O'Connell that he believes the sentence was rather severe for the offense committed and he, therefore, recommends this sentence be commuted. District Attorney Earl S. Keim advised the Board that he has no objection to a commutation.

The applicant's progress in the penitentiary has been steady. He is a good worker and has earned credits towards a high school diploma. He has matured considerably.

The Board was advised that this applicant's wife and eight children are in need of his assistance.

The Board felt that this applicant who is 35 years of age, and who had no previous record except a disorderly conduct charge and some domestic difficulty, would be sufficiently punished if he served one and one-half years of his sentence.

The Board, therefore, recommend that his sentence be commuted when he has served one and one-half years.

Respectfully submitted,
 (Sgd) ROY E. FURMAN,
 Lieutenant-Governor.
 (Sgd) JOHN S. RICE,
 Secretary of the Commonwealth.
 (Sgd) THOMAS D. McBRIDE,
 Attorney General.
 (Sgd) GENEVIEVE BLATT,
 Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
 Governor.

BOARD OF PARDONS

In re application of James M. Kyner, No. A-4607, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that James M. Kyner, who plead guilty to Open Lewdness and Public Indecency in the Court of Oyer and Terminer and Quarter Sessions of Montgomery County on September 27, 1940; and who was convicted of Indecent Exposure and Open Lewdness in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on December 30, 1947, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant, who is 45 years of age, states that he was changing his shirt while sitting in his automobile, and some women noticed him and reported his action to the police causing his arrest. The applicant was previously arrested on a similar charge in Montgomery County.

The President Judge, the Honorable William F. Dannewer, does not recommend the granting of a pardon to this applicant, but does state that, if the Board of Pardons is convinced that the applicant has been rehabilitated, he would have no objection. The District Attorney of Philadelphia stated that his office would have no objection, if the applicant would submit first, to a psychiatric examination and if the examiner would make a favorable report.

A psychiatric examination of the applicant was made by John G. Torney, M. D., dated June 25, 1958, and Dr. Torney's report states that, although the applicant has an unstable personality, he does not represent a threat to the community for there is no evidence of undue aggression or hostility. Based on this report, the District Attorney stated he was opposed to the granting of the application.

The applicant requires a pardon in order to obtain an advancement in his position at the United States Quartermaster Depot, Philadelphia. His representatives, George J. Irvins, Esquire, is also his Commanding Officer in the National Guard Company of which the applicant is a member. Mr. Irvins stated that he had never been aware of any sex psychopath tendencies on the part of applicant and that he would personally recommend that, if the application for a pardon be granted, he would sponsor the applicant.

The Board of Pardons believes that the applicant has successfully overcome his previous sex psychopathic tendencies, and, therefore, recommends that a pardon be granted.

Respectfully submitted,
 (Sgd) ROY E. FURMAN,
 Lieutenant-Governor.
 (Sgd) JOHN S. RICE,
 Secretary of the Commonwealth.
 (Sgd) THOMAS D. McBRIDE,
 Attorney General.
 (Sgd) GENEVIEVE BLATT—Dissents.
 Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
 Governor.

BOARD OF PARDONS

In re application of James Ladislaw, E-7746, No. A-4591, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of James Ladislaw, convicted of burglary in the Court of Quarter Sessions of Philadelphia County, on

October 30, 1957; computed from June 26, 1957 be commuted from 2½ years to 1 year 3 months expiring on September 26, 1958.

Our reasons for making this recommendation are as follows:

This applicant and an accomplice, broke into a club and were arrested on the scene by the police. The applicant was on probation at the time, and the court revoked his probation and sentenced him to a term of 2½ to 5 years. He has a prior record consisting of minor offenses.

The penitentiary staff reports that the applicant has compiled a good work and conduct record and is considered to be a skilled plumber. He also has close family ties that will help to guide him. A letter from the family physician indicates the physical condition of the applicant's wife is very poor.

No recommendation was received from the Trial Judge. The District Attorney of Philadelphia is opposed to the granting of clemency.

The Board if of the opinion that this applicant who is serving his first imprisonment and has served approximately 13 months of his 2½ year minimum sentence, has learned a lesson that should stand him in good stead. The Board is also of the further opinion that the encouragement of a commutation at this time will demonstrate the confidence that the Commonwealth does have in his determination to live a law-abiding life in the future.

The Board, therefore, recommends that his sentence be commuted to a minimum of 2 years.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents.
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Ned Laskoskie, 5481-B, No. A-64, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Ned Laskoskie, convicted of statutory rape and sodomy in the Court of O. & T., and Q. S. of Lackawanna County on February 28, 1941, computed from February 27, 1941 be commuted from 25 years to 17 years 9 months expiring on November 27, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until February 27, 1966.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Elmer Lehman, E-537, No. A-3205, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Elmer Lehman, convicted of burglary, larceny, receiving stolen goods, possession of burglary tools in the Court of Quarter Sessions of Philadelphia County on September 24, 1948, computed April 16, 1948 be commuted from 11½ years to 10 years, 7 months, 10 days, expiring on November 26, 1958.

Our reasons for making this recommendation are as follows:

The applicant had previously been sentenced to a term of 5 to 10 years from Montgomery County, and, having completed the minimum sentence, he entered on the present sentence of 11½ to 23 years. He has yet to serve a 3 year sentence from Philadelphia County. His accomplice had his sentence commuted by the Board of Pardons in May, 1955, and was paroled in July 1955.

The Trial Judge, the Honorable Harry S. McDevitt, is deceased. The District Attorney's office advised the Board that it was not opposed to a commutation.

The prison staff states that the applicant has a good conduct record.

It is to be noted that commutation will not release the applicant from imprisonment, but will allow him to commence the service of another sentence.

The Board, therefore, recommends that this sentence be commuted so that the applicant may begin serving the Philadelphia County sentence of 3 years.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents.
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Linder, 2571-A, No. A-4589, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Joseph Linder, convicted of robbery; armed with offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on June 30, 1938, computed from January 27, 1943 be commuted from 20 years to 15 years, 10 months, expiring on November 27, 1958.

Our reasons for making this recommendation are as follows:

The Board of Pardon has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until January 27, 1963.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Melvin R. Loveland, C-1855, No. A-2819, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Melvin R. Loveland, who plead guilty to larceny, robbery and burglary in the Court of Oyer and Terminer of Allegheny County on February 8, 1945, computed from October 16, 1950 (plus 11 days escape time) be commuted from 12½ years to 8 years, 1 month, 20 days, expiring on December 17, and further recommend that maximum sentence of Melvin R. Loveland, who plead guilty to larceny, robbery and burglary in the Court of Oyer and Terminer of Fayette County on October 16, 1945, to be served consecutively, be commuted from 18 years to a new maximum of 1 day, expiring on December 18, 1958 and further recommend that the maximum sentence of Melvin R. Loveland, who plead guilty to burglary and larceny in the Court of Oyer and Terminer of Washington County on August 1, 1957 to be served concurrently, be commuted from 6 years to a new maximum of 1 day, expiring on December 19, 1958; and further recommend that the maximum sentence of Melvin R. Loveland, who plead guilty to robbery, etc., in the Court of Oyer and Terminer of Washington County on October 4, 1957 to be served concurrently, be commuted from 2 years to a new maximum of 1 day, expiring on December 20, 1958.

Our reasons for making this recommendation are as follows:

This applicant and accomplices were involved in a series of burglaries and larcenies in the Counties of Allegheny, Fayette and Washington. These crimes were committed in the better neighborhoods of Pittsburgh and surrounding cities. One of the accomplices was shot by the police when they were surprised in a burglary.

When the applicant was arrested and awaiting transfer, he escaped, and again committed a series of crimes. He was again apprehended and started to serve his sentence. He later attempted to escape from the penitentiary, but was apprehended.

Since the applicant's last escape, he has shown considerable improvement in attitudes and has earned good work reports. He has attended high school classes and has earned two high school units.

Some of the sentencing judges are deceased, and the Board received no recommendation from the Honorable William H. McNaugher, the President Judge, for he was not familiar with the case. The Honorable Russell Carr advised the agent of the Board of Parole that he would not approve the granting of a commutation.

The Board has no reports from the District Attorneys of any County except Allegheny. The Assistant District Attorney of that County advised the Board that he felt the applicant had not served sufficient time and, is therefore, opposed to commutation.

The Board was advised by the prison staff that the applicant has changed completely. He is more stable and has settled down in recent years. He has learned to paint, and several of his paintings were displayed at the hearing.

This applicant has served approximately one-third of his present sentence of 21½ years, but he has been continuously confined for 14 years. He was only 22 years old when these offenses occurred.

This applicant is faced with a Federal sentence of 2 years to begin at the expiration of his present sentence. He will, therefore, not be released to society if the Board grants his clemency.

The Board feels that, in view of the applicant's changed attitude and his youth at the time of the crime, he should be granted clemency. The Board, therefore, recommends that his sentences be commuted so that the applicant may begin to serve his Federal sentence.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents.
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Louis Lukinich, B-7160, No. A-3610, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Louis Lukinich, convicted of murder in the first degree in the Court of Oyer and Terminer of Beaver County on March 23, 1940 be commuted from life imprisonment to 18 years, 8 months, expiring on November 23, 1958.

Our reasons for making this recommendation are as follows:

This applicant had been separated from his wife and was living with another woman for several years. During this time they had numerous arguments, and finally a violent argument resulted in his cutting her with a knife. When she was found, her throat was cut from ear to ear and she had been dead about two hours. The applicant tried to commit suicide by taking gas, but was revived when given artificial respiration.

The applicant plead not guilty, but was adjudged guilty by the jury. He was sentenced to life imprisonment and has, at this time, served over 18 years of his life sentence.

The trial judge is no longer on the bench, and the Board is in receipt of a letter from the President Judge, the Honorable Robert E. McCreary, indicating that he is opposed to commutation. Judge McCreary, who consistently opposes commutation of life sentences, wrote, "If the Board sees fit to commute the sentence it will be a matter to be decided by them, and not joined in by

me." The present First Assistant District Attorney of Beaver County, R. Eric Simons, in a letter to the Board, said he felt the matter should be left to the discretion of the Board.

The applicant works in the clothing plant and has performed adequately over the years to the best of his ability. He has attended educational classes and has removed his illiteracy.

The applicant is 53 years of age and is physically able to maintain himself if released. He will reside with his son.

The Board believes that further incarceration will serve no useful purpose and, therefore, recommends his life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Richard J. Lunnen, No. A-4574, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Richard J. Lunnen, convicted of issuing worthless checks in the Court of Quarter Sessions of Westmoreland County on February 15, 1957 be commuted from 4 years to 1 year, 9 months, 10 days, expiring on November 25, 1958.

Our reasons for making this recommendation are as follows:

This applicant, during a period of one year, issued worthless checks for which he received cash or made various purchases. All the checks were drawn on one bank and totalled about \$150.00. These offenses occurred in both Westmoreland and Somerset Counties and it appears that the applicant would give checks and request that they be held for 30 days when he would make them good. He became physically financially unable to make the checks good, and was arrested. He received a suspended sentence in Somerset County, but was given the sentence he is serving in Westmoreland County.

The trial judge is retired, and the Board has a letter from the Honorable John M. O'Connell, President Judge, stating that in his opinion the sentence was rather severe and recommending commutation. District Attorney Earl S. Keim wrote the Board that he believed the sentence was excessive, considering the amount of the checks, and that he would have no objection to the granting of clemency.

This applicant has an excellent record at the Workhouse. He is suffering from a hernia and will not, therefore, be able to do any strenuous work. He will work as a salesman if released.

The Board feels that the applicant's sentence was rather severe for this offense, which was his first. The Board also takes into consideration that his wife and four children are in need of his assistance. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.

(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Warren Lyons, E-3590, No. A-3408, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Warren Lyons, convicted of burglary, larceny and receiving stolen goods in the Court of Oyer and Terminer and Quarter Sessions of Bucks County on May 1, 1953, computed from April 29, 1958 be commuted from 1 year to 7 months, expiring on November 29, 1958.

Our reasons for making this recommendation are as follows:

The applicant and accomplices were engaged in a series of burglaries, larcenies, and robberies in Philadelphia, Montgomery and Bucks Counties.

The applicant has served his Philadelphia and Montgomery County sentences and is now serving the Bucks County sentence of 1 to 3 years. He has served nearly 5½ years of a total minimum of 6 years.

The Trial Judge of Bucks County, the Honorable Edward G. Biester, wrote that he would rely upon the Board. The District Attorney of Bucks County also stated that he would rely upon the Board. The Bucks County Prison report indicates that the applicant has conducted himself in a very satisfactory manner and has not caused the prison authorities any problems during his incarceration. These sentences are the first he has received, although a prior juvenile record of larcenies is listed.

With regard to all the reports presented to the Board, there is every indication that this young man has matured and that this may well be the opportune time to release him from further incarceration. Although he has served most of his minimum sentence, and but a few months still remain of his minimum sentence, the Board is recommending release believing this interest in the applicant will have a beneficial effect upon him.

The Board, therefore, recommends a commutation of this minimum sentence.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents.
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Gomer Patrick McGinty, No. A-4571, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Gomer Patrick McGinty convicted of larceny in the Court of Oyer and Terminer of Lackawanna County on March 3, 1934; and

convicted of highway robbery in the Court of Oyer and Terminer of Lackawanna County on February 16, 1935; and convicted of robbery in the Court of Oyer and Terminer of Lackawanna County on January 8, 1941, be pardoned.

Our reasons for making this recommendation are as follows:

This applicant who is now 42 years of age, was convicted of larceny of an automobile and sentenced to the Pennsylvania Industrial School in November, 1932. In February, 1935 he was sentenced to 3 to 6 years, at the Eastern State Penitentiary for the crime of highway robbery. He was sentenced again to 1 to 5 years for the crime of robbery, to the Eastern State Penitentiary in November, 1940.

Since his release in 1945, the applicant has resided in Jersey City where he has had employment by both RCA Radio and Zenith Radio Corporation. At present, he is employed by the Pennsylvania Railroad as an assistant boat dispatcher and he is also an officer of the International Masters & Mates Union.

The Trial Judge, the Honorable T. L. Hoban, stated that he would rely upon the Board and made no recommendation. The District Attorney did not express his opinion as to the merits of this application. The Parole Board of New Jersey advised that the applicant's conduct has been satisfactory; that he has been steadily employed; and that he has not become involved in any criminal activity since his release in 1945. The report from the Pennsylvania Board of Parole indicates that the applicant has conducted himself satisfactorily.

The applicant requires a bond in order to progress in his employment and this can only be obtained if his record is clear. The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Donald McGouldrick, C-1708, No. A-2186, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Donald McGouldrick, convicted of burglary in the Court of Oyer and Terminer of Allegheny County on May 9, 1950, computed from March 17, 1950, be commuted from 15 years to 8 years 8 months 8 days expiring on November 25, 1958.

Our reasons for making this recommendation are as follows:

This applicant committed a series of burglaries from January 1949 to March 1950, in which he broke store windows and stole merchandise. When apprehended by the police, he admitted to 116 separate offenses.

The applicant has maintained a clear conduct record in prison. At present he is working in the Tag Plant and has a high rating there. He has attended classes and advanced from the fourth grade to earning four high school units.

The Trial Judge, the Honorable Harry M. Montgomery, advised the Board he had no objection to any action which the Board might take. The Assistant District Attorney, however, stated that the applicant was represented by able

counsel at his trial, and received a fair sentence, his office was opposed to clemency.

The penitentiary staff feels that although, the applicant has a past history of chronic delinquency featuring numerous burglaries, his present attitude in the institution indicates he has become matured and adjusted. He has served over 8 years of his minimum of 15 years.

The Board feels that this young man, who is only 28 years of age, should be given an opportunity to become a useful and law-abiding citizen. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents.
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Walter H. McKeon, E-2740, No. A-2047, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Walter H. McKeon, convicted of burglary with intent to rob, in the Court of Quarter Sessions of Philadelphia County on January 14, 1952, computed from December 22, 1951 be commuted from 10 years to 6 years 11 months expiring on November 22, 1958.

Our reasons for making this recommendation are as follows:

The applicant and an accomplice robbed two business places, assaulting and injuring the owners. They also stole four automobiles.

The Trial Judge, the Honorable Vincent A. Carroll, recommends that the sentence be commuted. The District Attorney of Philadelphia is opposed.

This was the applicant's first offense, and was the result of a two-week drinking spree.

The penitentiary staff states that the applicant has earned the reputation of being cooperative and an industrious worker. At present, he is serving as a dental technician.

The applicant has served nearly two-thirds of his minimum sentence, and the Board is of the opinion that he has been rehabilitated to the extent that he now will lead a law-abiding life. The Board further believes that, having learned a trade, he will be able to profit considerably from the instruction he has obtained in the penitentiary when released.

The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Walter Lee Maddox, No. A-4644, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Walter Lee Maddox, convicted of keeping a gambling house in the Court of Quarter Sessions of Allegheny County, on October 27, 1952 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant, who is 46 years of age, was arrested and placed on probation when he was convicted of being a common gambler. This happened in 1952, and the applicant completed his probationary period successfully.

The applicant is presently employed by the City of Pittsburgh as a watchman in the Carpenter Shop. He has an opportunity to better himself, and requests that a pardon be granted so he may clear his name and take advantage of this opportunity.

He has a wife and three children; two have completed high school, and the third is only 3 years of age.

The Trial Judge, the Honorable T. M. Marshall, wrote the Board that any action taken would be satisfactory to him. The District Attorney is not opposed to a pardon.

The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Gordon Thomas Marsh, 189657, No. A-2049, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Gordon Thomas Marsh, convicted of fraudulent conversion, conspiracy and cheating by false pretense in the Court of Quarter Sessions of Luzerne County on August 21, 1957, computed from September 6, 1957 be commuted from 2 years to 1 year 2 months 20 days expiring on November 26, 1958.

Our reasons for making this recommendation are as follows:

The applicant was engaged in the used car business, and by manipulating the sale of cars through banks and finance companies, and by juggling these accounts, he caused a loss of thousands of dollars to dealers and customers.

The applicant served an 8 year flat sentence in the Lackawanna County Jail, and failed to have the credit of "time off" under the Act of 1901 for good behaviour, which would have amounted to 2 years, 9 months. When, therefore, he entered upon the present sentence in Luzerne County, he was well beyond the 2 year period for which he should have been given credit.

The Trial Judge of Luzerne County, the Honorable Frank Pinola, wrote the Board that he had no objection to a favorable consideration of this application. The District Attorney of Luzerne County likewise stated that he had no objection.

The Warden of the Lackawanna County Prison stated that the applicant has always conducted himself well and his attitude was satisfactory.

If the applicant had been credited with the 2 years, 9 months served in the Lackawanna County Prison, he would now have served the minimum sentence of Luzerne County.

The Board, therefore, recommends that a commutation of his Luzerne County sentence be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John B. Maug, B-3563, No. A-3684, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Maug, convicted of armed robbery and murder in the second degree in the Court of Oyer and Terminer of Allegheny County in January 24, 1933, computed from January 24, 1958, be commuted on Bill No. 12 from 20 years to a new minimum of 7 months, expiring on August 24, 1958; and recommend that the maximum on Bill No. 8, robbery and receiving stolen goods (Bills 61 and 71 concurrent) be commuted from 40 years to a new maximum of 1 day, expiring on August 25, 1958; and recommend that the life sentence on Bill No. 10, illegally imposed for armed robbery, be commuted to a maximum term of imprisonment of 1 day, expiring on August 26, 1958.

Our reasons for making this recommendation are as follows:

The applicant and five accomplices committed a series of robberies in Allegheny County, consisting of hold-ups of street car barns, street cars, passengers in the cars, several business establishment, and several automobile theft. Two policemen were shot and injured and one Constable was shot and killed during commission of these crimes.

He was sentenced for the crimes of robbery and murder in the second degree and given a life sentence for the crime of armed robbery, and 60 to 120 years for the other offenses. The applicant was on parole when he committed these offenses and served 5 years backtime before commencing the present sentence.

The Trial Judge is deceased, and President Judge McNaugher stated that he was unfamiliar with the case and has no recommendation to offer. The District Attorney stated that although the life sentence for the crime of armed robbery was obviously illegal and the punishment is severe, he is nevertheless opposed to granting commutation, as he feels he should serve more time.

The Penitentiary Staff writes that, during the applicant's confinement for more than 25 years, his conduct record has been clear and he is considered trustworthy in a job which requires some skill, as a wiper in the Power Plant. He has lost much of his previously reckless aggressive behaviour and is now passively satisfactory in adjustment.

Since the life sentence for armed robbery was illegally imposed, and since the applicant has been incarcerated for over 25 years, and since all his accomplices have long

been released, the Board is of the opinion he, too, should be released.

The Board, therefore, recommends commutation of all his sentences.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Albert Michelotti, 8604-C, No. 7754, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Albert Michelotti, convicted of burglary in the Court of Quarter Sessions of Washington County on March 29, computed from March 17, 1940 be commuted from 30 years to 18 years 8 months expiring on November 17, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until April 4, 1973.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Pardons recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Frank T. Miller, 6383-B, No. A-602, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Frank T. Miller, convicted of robbery and larceny in the Court of O & T and Q. S. of Clinton County on January 27, 1950, computed from December 27, 1949 be commuted from 10 years to 8 years 11 months expiring on November 27, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until December 27, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Jack Gordon Phillips, C-2999, No. 9210, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Jack Gordon Phillips, convicted of robbery in the Court of Oyer and Terminer of Allegheny County on September 6, 1950, computed from March 6, 1953 be commuted from 7 years (credit 3 months, 13 days) to 6 years, 3 days, expiring on November 26, 1958.

Our reasons for making this recommendation are as follows:

This applicant and his accomplice robbed the manager of a private housing project at gun-point and took \$265.00 in cash. The manager was bound and gagged, but succeeded in freeing herself within a few minutes and phoned the police. When the police attempted to stop the car in which the applicant and his accomplices were fleeing, a shot was fired which wounded the policeman. They got away and abandoned the car, which had been stolen. Later both applicant and his accomplice were apprehended in Arizona and returned to Pennsylvania.

The applicant violated parole by his offense, and consequently he served backtime before starting the present sentence. He has served over 5 years of his present sentence, but has been continuously confined for over 8 years.

The wife was at the Hearing and advised the Board that the family is in very destitute circumstances, and badly in need of the assistance of the applicant. She advised the Board that temporary employment was promised the applicant by a local building contractor. Also present was her pastor, Rev. C. L. Rommel, who conducts rehabilitation programs in Venango County, and who promised to assist the applicant.

The applicant has an especially good prison record, has furthered his schooling, acquiring a high school diploma. He has learned the barbering trade, and will open a shop as soon as he is able to do so.

The Trial Judge, the Honorable Thomas M. Marshall, wrote the Board a few months ago that he would certainly consider this a case very worthy of consideration. The District Attorney's office advised the Board that it was not opposed.

This applicant's trouble in the past was caused by

drink. At the present time he is a member of the A.A. group at the penitentiary and is employed as a nurse in the hospital.

The Board feels that consideration should be given to this request in view of the very good reports, the fact that the applicant has been continuously confined for so long a time, and the fact that his family is in dire need of his help. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,
(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Alberta G. Reed, No. A-4392, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Alberta G. Reed, convicted of drunken driving in the Court of Quarter Sessions of Allegheny County on March 25, 1957 be pardoned.

Our reasons for making this recommendation are as follows:

This applicant, who is 59 years of age, was involved in an accident, and when arrested became very disorderly. She plead not guilty but was adjudged guilty by a jury. She paid a fine and costs and had her drivers' license withdrawn. Before and since the arrest, the applicant bore an excellent reputation in the neighborhood, and has always been considered of good character and reputation.

The sentencing judge was a Visiting Judge, and has not made any report to the Board. The President Judge, the Honorable William H. McNaugher, is not familiar with the case and, therefore, made no comment. The District Attorney is not opposed.

This applicant lives with her husband in an exclusive residential section, and the family lives very comfortably. She states she wants this blot upon her otherwise good character removed.

The Board feels that a pardon should be granted, and so recommends.

Respectfully submitted,
(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents.
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Frank George Reno, C-3728, No. A-4558, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Frank George Reno, convicted of burglary, larceny, receiving stolen goods in the Court of Oyer and Terminer of Beaver County on March 17, 1955, computed from January 23, 1955 be commuted from 5 years to 3 years, 10 months, expiring on November 23, 1958.

Our reasons for making this recommendation are as follows:

This applicant entered a building in West Bridgewater, known as the Riverside Market. He gained entrance through a ventilator shaft and took \$15.00 in cash and 15 wrist watches, valued at \$80. While inside the building, he caused approximately \$600 damage to the building and merchandise by throwing various canned goods all over the store. He was apprehended while trying to sell the stolen wrist watches. He plead not guilty but was adjudged by a jury.

The Trial Judge, the Honorable Robert E. McCreary, left the matter of commutation up to the Board, and District Attorney Eric Simmons wrote the Board that, if it was of the opinion the applicant had changed sufficiently to be commuted, then his office was not opposed.

The applicant was on probation at the time he committed this crime. This probation of 3 years arose from a burglary charge. However, he neglected to pay the costs and was committed to the Beaver County Prison for 2 months. It was shortly after his release from the Beaver County Prison that he committed the present offense.

The institutional staff states that incarceration has been beneficial to the applicant in that he has matured to the extent that he now has real insight into his past anti-social behaviour. In fact, he has adjusted to the extent that he recently earned assignment to the Conservation Camp, one of the highest ratings in the institution. In view of his healthy attitude and overall good institutional record, the staff is of the unanimous opinion that now may be the optimum time for commutation.

The applicant's mother was present at the hearing and advised the Board that her husband, the applicant's stepfather, will help him and he will have a good home. The mother's Pastor was also present at the hearing and stated he will assist the applicant in every way possible.

This applicant, who is only 25 years of age, can become a useful citizen, and the Board is of the opinion he has changed sufficiently to warrant consideration. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,
(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Ringer, 4697-B, No. A-4590, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of William Ringer, convicted of statutory rape, assault with intent to commit sodomy; sodomy and assault with intent to ravish in the Court of Oyer and Terminer of Clinton County on April 21, 1949, computed from March 31, 1959, be commuted from 10 years to 9 years, 8 months, expiring on December 1, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until March 31, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Ross, B-9118, No. A-2976, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the life sentence of James B. Ross, convicted of being a habitual criminal, in the Court of Quarter Sessions of Lawrence County, on October 20, 1944, computed from May 15, 1944, be commuted from life imprisonment to 14 years, 6 months, 10 days, expiring on November 25, 1958.

Our reasons for making this recommendation are as follows:

This applicant, who is presently 41 years of age, was given a life sentence as a fourth offender under the Habitual Criminal Act of 1933. His previous sentences were all moderate ones, and were for crimes committed between the ages of eighteen and twenty-seven.

During his incarceration, he was transferred to the Farview State Hospital on April 3, 1947 and returned on January 25, 1955. He has generally adjusted satisfactorily since his return and it is indicated that he displays no definite psychotic symptoms at present. The staff is of the opinion that he will adjust satisfactorily in society if released.

The trial judge, the Honorable John G. Lamoree, advised the Parole Agent that he would not oppose commutation if it was felt applicant was a suitable risk to return to society. The District Attorney wrote that he was not opposed.

The Board is in receipt of a letter from Edward A. DeCarbo, Mayor of the City of New Castle, Pennsylvania, advising that he will sponsor the applicant and assist him in every way. The applicant's father has visited the applicant regularly, and spoke to the Board on behalf of his son.

The Board feels that this applicant, who has spent over 14 years in prison has been sufficiently punished and that further incarceration will serve no useful purpose. The Board, therefore, recommends his life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.

(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Samuel Abraham Sams, Jr., C-4100, No. A-49, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the minimum sentence of Samuel Abraham Sams, Jr., convicted of burglary and conspiracy, in the Court of Oyer and Terminer and Quarter Session of Lawrence County, on October 5, 1955, computed from June 1, 1955, be commuted from 3½ years (plus 4 months, 28 days while on bail) to 3 years, 22 days, expiring on November 21, 1958.

Our reasons for making this recommendation are as follows:

This applicant with two accomplices broke into a service station early one morning. A neighbor called the police and they were apprehended. Two young girls, both 18 years of age, were with the applicant and accomplices, but they remained in the car while the crime was committed. The accomplices received sentences of 3 months to 1 year, while the applicant received the sentence set forth above, as he violated his parole by this offense.

The Trial Judge, the Honorable W. Walter Braham, did not report to the Board of Pardons but he did furnish the applicant with a letter to the effect that he would have no objection to a parole. The District Attorney Joseph Solomon wrote the Board that he had no objection.

The Board was advised that this applicant is badly needed at home. His sister and his father are suffering from incurable diseases. The family is in debt, and the applicant shows considerable concern over their welfare.

The applicant is 33 years of age and he has served 3 years of his 3½ years minimum sentence, and has been continuously confined for over 4 years. He has made an overall good prison adjustment and he does not appear to be a hardened criminal.

The Board believes that this applicant has been sufficiently punished and, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Joseph Schulke, E-2741, No. A-1957, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William Joseph Schulke, convicted of burglary with intent to rob, in the Court of Quarter Sessions of Phil-

Philadelphia County, on January 14, 1952, computed from December 22, 1951, be commuted from 10 years to 6 years, 11 months, expiring on November 22, 1958.

Our reasons for making this recommendation are as follows:

The applicant and an accomplice committed a series of burglaries, in which several store owners were assaulted.

The Trial Judge, the Honorable Vincent A. Carroll, recommends that this sentence be commuted. The District Attorney of Philadelphia however, is opposed.

The applicant had no prior criminal record. He was on a two-week furlough from the Navy when he committed this crime.

The applicant has received a favorable recommendation from the penitentiary staff, and is employed as a clerk in the Warden's office. During his incarceration, he has undertaken some educational courses.

The applicant is unmarried and his family, consisting of his father and mother, are in need of his support.

The Board believes that this applicant has been sufficiently punished, and will conduct himself as a law-abiding citizen in the future. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Anthony F. Siaus, B-8459, No. A-1190, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Anthony F. Siaus, convicted of murder in the first degree in the Court of Oyer and Terminer of Washington County, on February 16, 1943, be commuted from life imprisonment to a minimum term of 15 years, 9 months, 10 days, expiring on November 26, 1958, and further recommend that the maximum sentence of Anthony F. Siaus, convicted of robbery, while armed in the Court of Quarter Sessions of Washington County on November 15, 1955, be commuted from 10 years to a maximum term of 3 years, 12 days expiring on November 27, 1958.

Our reasons for making this recommendation are as follows:

The applicant and two accomplices, entered a tavern with the purpose of robbing the establishment. During the commission of this armed robbery, a man was fatally shot by one of the accomplices.

Of the two accomplices, the one who received a similar sentence had his sentence commuted in February of 1957. The other accomplice is still in prison.

The Trial Judge is deceased, but the Board is in receipt of a letter from President Judge Roy I. Carson, who stated that he would rely upon the Board. The District Attorney of Washington County informed the parole agent that he would not oppose commutation, inasmuch as the accomplice has had his sentence commuted.

The penitentiary authorities state that the applicant's conduct has been satisfactory, that his work report is very good, that he has made definite efforts toward self-improvement in his education, and that he is now a licensed barber. It is their unanimous opinion that this applicant may have reached the optimum time for release, and it is noted that his family have remained loyal and in close

touch with the applicant over the past 15 years. The applicant had a previous record, exclusively juvenile, and this conviction was the first for which any major sentence was received.

The applicant has served over 15 years of a life sentence, and the Board believes that he is still young enough to adjust to society and become a deserving member of it. He does not appear to be a hardened criminal, and the punishment for this offense of his young manhood may have been the most salutary lesson he could have received.

The Board, therefore, recommends that his sentence be commuted to life on parole.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joshua Simmons, 3692-D, No. A-41, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Joshua Simmons, convicted of being armed to rob with offensive weapon; robbery together with other persons in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on October 3, 1944, computed from September 14, 1944, be commuted from 25 years to 14 years, 2 months, expiring on November 14, 1948.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until September 14, 1969.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Rodman Singleton, 6405-C, No. 9896, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Rodman Singleton, convicted of armed robbery in the Court of Oyer and Terminer of Philadelphia County on May 7, 1943, computed from April 30, 1943, be commuted from 50 years to 15 years, 7 months, expiring on November 30, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until April 30, 1993.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Thomas Christian Stocker, C-3636, No. 2090, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Thomas Christian Stocker, convicted of pandering in the Court of Quarter Sessions of Allegheny County on April 3, 1946, computed from January 4, 1955, be computed from 5 years, less 2 months, 5 days jailtime, to 4 years, 25 days, expiring on November 24, 1958.

Our reasons for making this recommendation are as follows:

This applicant, who is 48 years of age, was arrested in 1946 for the crime of pandering. He, permitted a 17 year old girl to sleep in his bedroom, and it was alleged he placed her in a house of prostitution. The applicant denies this charge.

The applicant began serving the sentence of 5 to 10 years for this offense on January 4, 1955, the date he had been granted reparole on a previous sentence. He has, therefore, served a little over 3 three years on this present sentence, but has been continuously confined for over 11 years.

At present the applicant holds a responsible clerical position in the penitentiary. He has maintained an excellent institutional record and does not appear to be a particularly hardened offender.

The Trial Judge, the Honorable William H. McNaugher, wrote the Board that he has no objection to the granting of commutation. The Assistant District Attorney advised the Board that his office has no objections.

There is evidence that, if the applicant had continued to apply for reparole during his 9 year backtime, he would, by now, have completed the minimum of his present sentence.

In view of this fact, and the fact that the Assistant District Attorney believes an injustice has been done this applicant in that he was not repared 4 years ago, the Board recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Strickland, 5372-C, No. 8965, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of James Strickland, convicted of armed robbery, etc. in the Court of Quarter Sessions of Philadelphia County on January 3, 1945, computed from April 23, 1947, be commuted from 20 years to 11 years, 8 months, expiring on November 23, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until April 23, 1967.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Clarence Thompson, No. A-4116, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Clarence Thompson who plead guilty to the offenses of setting up an illegal lottery in the Court of Quarter Sessions of Philadelphia County on September 26, 1949, September 27, 1949, May 18, 1951 and July 31, 1951 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant, who is 29 years of age, was fined in March 1949 for selling numbers, and his sentence suspended. In November, 1950, he was sentenced to 3 months to 1 year in prison for setting up an illegal lottery and,

in Februray, 1951, he was again sentenced to 30 days in prison for setting up an illegal lottery.

Since 1951, the applicant has conducted himself in a law-abiding manner. At present, he is employed by an attorney as a process server and a chauffeur.

The Trial Judge, the Honorable Theodore Reimel, considers this application one for the discretion of the Board. The Honorable Maurice W. Sporkin, likewise, relies upon the discretion of the Board.

The applicant is requesting this pardon because of his increased interest in the youth movement promoted by the Parkside Y.M.C.A. and the Emanuel Baptist Church of Philadelphia and, also because he desires to clear his record so he may improve his economic status.

The Board, therefore, recommends that the application for pardon be granted as requested.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) J. S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Frank Yanczak, E-7779, No. A-4632, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Frank Yanczak, convicted of larceny, receiving stolen goods in the Court of Quarter Sessions of Philadelphia County on November 14, 1957, computed from October 11, 1957 be commuted from 2 years to 1 year, 1 month, 10 days, expiring on November 21, 1958.

Our reasons for making this recommendation are as follows:

The applicant took a truck loaded with beef and drove to New Jersey where he tried to sell some of the beef and also gave away over 800 lbs. before being arrested. Although he had a prior record, this offense is the first for which he received a lengthy prison sentence.

The Trial Judge, the Honorable Edward A. Hallick, states that he neither recommends nor objects to a commutation, believing that the troubles this applicant had springs from excessive drinking. The District Attorney's office of Philadelphia County indicated that the applicant should serve more time before being released.

The prison authorities state that the applicant has made efforts to improve himself and has an unblemished disciplinary record. His personality has improved and he has developed into a more mature person. He has served less than a year of his two year minimum sentence.

The Board believes that the applicant has been sufficiently punished, and that he will in the future conduct himself in a law-abiding manner.

The Board, therefore, recommends that his sentence be commuted, because not only has he been sufficiently punished, but because his family is urgently in need of his assistance and guidance.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.

(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Leon Zeigler, E-7188, No. A-4649, June Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Leon Zeigler, convicted of robbery with assault and force in the Court of Oyer and Terminer and Quarter Sessions of Cumberland County on February 8, 1957 be commuted from 2½ years to 1½ years, expiring on August 8, 1958.

Our reasons for making this recommendation are as follows:

The applicant together with an accomplice, entered the home of the victim and ransacked the place, obtaining about \$40.00. In the course of the robbery, the victim was assaulted by the accomplice. The applicant pled not guilty but was adjudged guilty by a jury.

The Trial Judge, the Honorable Dale F. Shugart, is not opposed to a commutation provided that the applicant's prison record is satisfactory and he has indicated a determination to change his way of life. Likewise, the District Attorney's office of Cumberland County expressed the thought that it would rely upon the Board's discretion.

The prison authorities report that the applicant's conduct has been satisfactory and attitude excellent, and that he has shown progress in carrying out his prison responsibilities.

The residents of the applicant's home community in Cumberland County have expressed their confidence in him by signing a petition setting forth their belief that his future behaviour will be as a good, law-abiding citizen.

The Board, therefore, recommends that a commutation of this sentence be granted in 1 year and 6 months from the effective date of the sentence.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
NOT SITTING
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Julio Alvarez, E-5780, No. A-3951, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Julio Alvarez, convicted of robbery in the Court of Oyer and Terminer of Philadelphia County on September 27, 1956, be commuted from 3 years to 2 years, 2 months, 23 days, expiring on December 20, 1958.

Our reasons for making this recommendation are as follows:

This applicant is 25 years of age. He was arrested in Montgomery County where he received a sentence of from

3 to 6 years effective August 25, 1955. He was later sentenced to a term of 3 to 6 years from Philadelphia County, effective September 27, 1956, which sentence was to follow the Montgomery County sentence. The applicant served his minimum sentence in Montgomery County and was paroled on August 25, 1958, to be continued on the overlapping term of the Philadelphia County sentence. The Philadelphia County sentence expires in September of 1959.

The applicant, together with two accomplices, held up a gas station and at the point of a knife, robbed the attendant of \$145. They also struck the man over the head with a rubber hose.

The Montgomery County sentence being served, the Philadelphia Court, presided over by Judge Edward Leroy Van Roden, wrote that they had no objection to the commutation of the sentence, relying upon the Board for any decision it may make. The District Attorney's office of Philadelphia County likewise stated it had no objection to commutation.

The penitentiary staff reports that the applicant's seeming sincerity, lack of criminal pattern, and attempts at self-improvement, make him an unusually meritorious case. He had no prior criminal record, and, during his imprisonment, has learned the English language and has also learned the trade of tailor.

The Board, therefore, recommends that the Philadelphia County sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Leonard M. Ambruso, No. 8661, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Leonard M. Ambruso, who plead guilty to robbery and entering with intent to rob in the Court of Quarter Sessions of Philadelphia County on November 28, 1928, and who was convicted of attempted robbery, conspiracy to rob, and assault and battery in the Court of Quarter Sessions of Philadelphia County on December 5, 1928, and who was convicted of disorderly conduct, on March 7, 1937, be pardoned.

Our reasons for making this recommendation are as follows:

This applicant is now 47 years of age and during the early years of his life he was arrested for various minor offenses. His most serious offense was that of armed robbery for which he and his accomplices were sentenced, during November 1928, from 1 to 10 years in the Philadelphia County Prison. His other offense consisted of gambling charges and disorderly conduct charge. Since that time he has not been involved in any type of criminal activity. The offenses which he committed were largely done when he was a young man between 18 and 20 years old.

The applicant is married. Some of his children are at college and one of the sons is studying for the priesthood. At present, he is employed by the City of Philadelphia Traffic Court, and, prior to his present employment, he was employed by the State of Pennsylvania in the Sales Tax Bureau. The investigation by the Parole Agent revealed

that he bears a very good reputation, and that his work with the City of Philadelphia is most satisfactory.

The trial judge is deceased, and the President Judge, the Honorable Eugene V. Alessandrini, wrote that he relies on the sound discretion of the Board for any decision.

The applicant has lived many years as an exemplary citizen and has a good reputation among his friends and acquaintances. He has proved his reliability and adjustment by the type and character of his employment as an officer of the Philadelphia Traffic Court. The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Andrews, 1604-A, No. 8612, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of William Andrews, convicted of assault, being armed with intent to rob, etc., in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on October 3, 1939, computed from February 8, 1943, be commuted from 20 years to 15 years, 10 months, 9 days, expiring on December 17, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until February 8, 1963.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Harry Augustine, 4403-B, No. A-776, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Harry Augustine, convicted of burglarly, larceny, receiving stolen goods, in the Court of Quarter Sessions of Westmoreland County, on March 4, 1949, be commuted from 14 years to 9 years, 9 months, 13 days, expiring on December 17, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until March 4, 1963.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Donald Babbitt, 7784-D, No. 8494, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Donald Babbitt, convicted of murder in the second degree, in the Court of Oyer and Terminer of Berks County, on March 26, 1940, computed from November 24, 1939, be commuted from 20 years to 19 years, 1 month, expiring on December 24, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until November 24, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.

(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Woodrow E. Bennett, 5379, No. A-4681, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Woodrow E. Bennett, convicted of burglarly, larceny, receiving stolen goods, in the Court of Oyer and Terminer of York County, on March 28, 1955, computed from February 12, 1955, be commuted from 6 years to 4 years, expiring on February 12, 1959.

Our reasons for making this recommendation are as follows:

The applicant, who is 31 years of age, together with several accomplices, over a period of approximately three months, engaged in a number of burglaries in York, Adams, Lancaster and Dauphin Counties. This group entered various business places throughout York County and the value of the loot taken there is estimated at about \$2500. Additional burglaries were committed in the other three counties.

The Trial Judge, Honorable Ray P. Sherwood, has written the Board that the applicant should serve his minimum sentence. Likewise, the District Attorney of York County states that the applicant should serve his minimum. The prison staff at Graterford state that the applicant has profited from incarceration and they note that all of the crimes committed by the applicant took place over a relatively short period of time. The applicant had no previous criminal record.

The applicant received sentences from Dauphin and Adams Counties which are to commence following the York County sentence.

The Board is recommending that the minimum sentence from York County be commuted so that he may commence service of the Dauphin County sentence.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Costello, 1039-B, No. 4215, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of James Costello, convicted of robbery, being armed with an offensive weapon, in the Court of Oyer and Terminer of Philadelphia County, on September 24, 1934, from June 10, 1952, be commuted from 20 years to 6 years, 6 months, 12 days, expiring on December 22, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until November 13, 1962.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Wilmon Cullers, C-4288, No. A-4719, September Session 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Wilmon Cullers, convicted of voluntary manslaughter, in the Court of Oyer and Terminer of Potter County, on December 3, 1956, computed from October 5, 1956, be commuted from 3 years to 2 years, 2 months, 15 days, expiring on December 20, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 31 years of age, pled guilty to the offense of voluntary manslaughter but not to murder. The applicant and the victim had been drinking, a fight ensued, and the applicant stabbed the victim fatally with a knife.

The Trial Judge, Honorable Walter P. Wells, stated to the parole agent that he recommended a commutation of the sentence. District Attorney John A. Duvall wrote a long letter to the Board in which he reviewed the crime and recommended clemency. He stated, "I think Mr. Cullers represents an excellent chance for rehabilitation and I would recommend clemency for him. My feelings are concurred in by the President Judge and the County Sheriff."

The prison staff states that this incarceration represents the first major imprisonment and his record has been so satisfactory in every respect that he has been assigned to the Forestry Camp which is considered an honor. It is the further opinion of the majority of the penitentiary staff that he is a deserving case for clemency.

The Board is recommending a commutation of the sentence of this applicant because of his evident efforts to rehabilitate himself and to demonstrate his determination to live a law-abiding life. He has already served two-thirds of his sentence and in the estimation of those persons who see him every day, he is ready for return to society.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.

(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Jack Davis, Jr., 574-C, No. 9960, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Jack Davis, Jr., convicted of murder in the second degree in the Court of Oyer and Terminer and Quarter Sessions of Delaware County, on October 11, 1946, computed from September 7, 1946, be commuted from 20 years to 12 years, 3 months, 10 days, expiring on December 17, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until September 7, 1966.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Thomas R. Dran, 3789-B, No. A-503, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Thomas R. Dran, convicted of armed robbery in the Court of Oyer and Terminer of Allegheny County, on December 15, 1948, computed from November 22, 1948, be commuted from 15 years to 10 years, 1 month, expiring on December 22, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until November 22, 1963.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole

recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Pasquale Faulds, D-8752, No. A-2691, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Pasquale Faulds, convicted of robbery, etc. in the Court of Quarter Sessions of Philadelphia County on March 5, 1946, computed from February 9, 1946 be commuted from 20 years to 12 years, 10 months, 10 days, expiring on December 19, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 33 years of age, together with 2 accomplices, stole an automobile and then robbed a gasoline station. The police found guns and ammunition in the rooms of the applicant and his accomplices, who also confessed to other "hold-ups" in the Philadelphia area. The applicant pled guilty and was sentenced to 20 to 40 years, effective February 9, 1946.

The sentencing judge, Harry S. McDevitt, is deceased, and the Board is in receipt of no letter from the Philadelphia County Judges relative to the merits of this application. The District Attorney of Philadelphia County stated to the Board at the hearing that he was not opposed to the application.

During his imprisonment, the applicant has made good progress and has studied plumbing and air conditioning. He has served over 12½ years of his minimum sentence, and the reports from all the departments are favorable. He appears to have rehabilitated himself and there is every prospect, if he is released, that he will live a law-abiding life in the future.

The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Herbert Fennell, 3512-D, No. 7698, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Herbert Fennell, convicted of robbery, armed with offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on November 6, 1936, computed from 5/28/53 be commuted from 20 years to 5 years, 7 months, expiring on December 28, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until December 15, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Stephen Jerome Figura, No. A-4658, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Stephen Jerome Figura, convicted of robbery with accomplice by assault and force in the Court of Oyer and Terminer and Quarter Sessions of Luzerne County on January 11, 1950 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant, who is 29 years of age, pled guilty to the crime of robbery with accomplice by assault and force. He entered the victim's hotel bedroom, tied him up, took his money and automobile keys and then went to the parking lot and took the victim's automobile. The victim was able to get loose, and notified the police, who promptly arrested the applicant and his accomplice.

The applicant was tried by the former Judge, the Honorable W. Alfred Valentine. The President Judge, the Honorable John J. Aponick, wrote that the question of pardon should be left to the discretion of the Board. Likewise, the District Attorney stated to the parole agent he had no objection to whatever action the Board would take.

The applicant entered the Pennsylvania Industrial School and was paroled on March 19, 1951. He was discharged from parole in May 1954. He has since maintained an exemplary life. He has been married and has a daughter. He has furthered his education by attending the Williamsport Technical Institute, where he learned to be a draftsman. He is now regularly employed by the Lehigh Construction Engineers of Long Island, New York. It was set forth by his wife that the applicant requires a pardon in order to advance himself in his chosen field.

of work, being employed in government work for which a security check is required.

The Board believes that this young man made a serious mistake as a youth, but will never again offend against the law. He has shown his stability and his desire to be of value to society by his sincere efforts to advance himself in his profession. The Board recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Wilmont Morton Flowers, No. A-4740, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Wilmont Morton Flowers, convicted of operating without owner's consent in the Court of Quarter Sessions of Philadelphia County on September 9, 1931; and who plead guilty to aggravated assault and battery in the Court of Quarter Sessions of Philadelphia County on November 30, 1932 be pardoned. Our reasons for making this recommendation are as follows:

The applicant, who is 46 years of age, was arrested for minor offenses such as suspicion, gambling and loitering. He was sentenced to 45 days in the Philadelphia County Prison for operating an automobile without the consent of the owner in 1931 and sentenced to 4 months in the Philadelphia County Prison for aggravated assault and battery in 1932. His latest offense was committed in 1953, but he was discharged.

The Trial Judges for some of the earlier offenses are deceased or retired. However, the Honorable Vincent A. Carroll wrote the Board that he has no reason to oppose or recommend the application and relies upon the Board for its decision. Likewise, the Municipal Court Judge, the Honorable Theodore O. Spaulding, in a letter to the Board recommends that it approve the petition for a pardon. The District Attorney's office of Philadelphia County wrote it is not opposed to the granting of clemency.

The applicant has conducted himself in a law-abiding manner, operating a limousine service in Philadelphia for the past 10 years, employing seven persons to carry on this work. He is highly thought of in his community and is considered to be a substantial business man. He has been a law-abiding citizen, and is deserving of clemency. The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Herman Fontaine, 044, No. A-4188, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Herman Fontaine, convicted of establishing a gambling house; procuring persons to gamble; violation of the Liquor Laws in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on January 18, 1957; be commuted from 42 months to 1 year 11 months expiring on December 18, 1958.

Our reasons for making this recommendation are as follows:

The applicant was convicted of maintaining a gambling house, procuring persons to gamble and violating the State Liquor Law. The applicant pled not guilty, but was sentenced to a term of 42 months and fined \$1900. He appealed to the Superior Court, but the appeal was denied.

The Trial Judge, Honorable Arthur P. Bretherick, wrote a letter to the Board opposing communication. The District Attorney was not present before the Board at the hearing, but expressed the opinion to the parole agent that he would rely on the Board for any decision it might make. The report of the agents of the Liquor Control Board goes into some length as to the details of the raid.

The Warden of the Chester County jail states that the applicant has conducted himself satisfactorily during his imprisonment. The sentence received was a severe one, he has now served about one year and ten months.

The Board, therefore, recommends that this commutation be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents.
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles R. Fox, No. A-1116, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Charles R. Fox, convicted of armed robbery, in the Court of Oyer and Terminer of Allegheny County on September 17, 1947, computed from June 23, 1947, be commuted from 40 years to 11 years, 6 months expiring on December 23, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 30 years of age, had his minimum sentence commuted by the Board of Pardons in June of 1954. The applicant together with 3 accomplices, pled guilty to a series of armed robberies of gasoline stations. The group was involved in about 12 such robberies.

The applicant has been on parole since June 1954 and has conducted himself in an exemplary manner. The Board of Parole has no objection to a commutation of the maximum sentence. There were no objections offered by the District Attorney to this commutation of the maximum.

The applicant himself appeared before the Board and stated that it was his desire to get married and probably move to Florida or Arizona. He has been operating a roadside dairy known as the "Dairy Queen," and in the wintertime has been selling cars for the Foss Motor Company in Pittsburgh.

The Board, in view of the applicant's excellent adjustment while on parole and the initiative which he has demonstrated to better himself financially, believes that this man has fully adjusted to society.

The Board, therefore, recommends that the maximum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Antonio Gidaro, 1429, No. A-3348, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Antonio Gidaro, convicted of murder in the first degree in the Court of Oyer and Terminer of Northumberland County on April 25, 1949 be commuted from life imprisonment to 9 years, 7 months, 25 days, expiring on December 20, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 74 years of age, plead not guilty but was so adjudged by a jury. It appeared that the victim parked his automobile in front of the garage entrance of the applicant. An argument ensued over this parking, resulting in the applicant drawing his revolver and fatally shooting the victim.

The Trial Judge, Honorable William I. Troutman, wrote the Board that he had no objection to clemency in this case. The District Attorney stated to the parole agent that he had no comment to make. The penitentiary staff states that this aged inmate has made a good institutional adjustment following this, his first offense, and that in spite of the seriousness of the crime and the relative short period of confinement for murder, little, if any, rehabilitative purpose will be served by continued imprisonment of this 74 year old man.

The applicant is now suffering from arthritis, and only the lightest work is possible for him. The medical report states that he is suffering from arteriosclerotic symptoms.

The Board, therefore, recommends a commutation of this sentence to life on parole.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles Goins, 9596-C, No. A-4724, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Charles Goins, convicted of burglary, larceny, receiving stolen goods and false pretense in the Court of Oyer and Terminer and Quarter Sessions of Fayette County on June 30, 1947, computed from April 22, 1947, be commuted from 25 years to 11 years, 7 months and 25 days, expiring on December 17, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until April 22, 1972.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Walter Grabowski, 80739E-27, No. A-4734, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Walter Grabowski, convicted of fraudulent conversion in the Court of Quarter Sessions of Erie County on October 16, 1957, computed from September 12, 1957, be commuted from 2 years to 1 year, 2 months, expiring on December 18, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 44 years of age, plead guilty to concealing from his creditor about \$4,000 worth of coin-operated amusement machines. It appeared that he obligated himself to pay for \$12,000 worth of coin machines on the time payment basis. He failed to meet this obligation and the machines were repossessed, but there was approximately \$4,000 worth of these machines unavailable to the owner. Investigation disclosed that the applicant had sold them.

The Trial Judge, Honorable Elmer L. Evans, stated to the parole agent that he was not opposed to clemency. District Attorney Herbert Johnson stated to the parole agent that he would abide by the decision of the Board. The Allegheny County Workhouse reports that he has not violated any of the prison rules and that his attitude and work are quite satisfactory.

The Board notes that this man has served over 1 year

of his 2-year minimum sentence. A representative of the owner of these amusement machines, the Atlas Company, came before the Board and stated that he was not opposed to the release of the applicant and that the applicant has agreed upon release to reimburse the Atlas Company for their loss. The wife and family of the applicant are in need of help and assistance.

The Board, therefore, recommends a commutation of the minimum sentence.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents.
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Laurence Richard Green, C-3524, No. A-3785, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Laurence Richard Green, convicted of armed robbery in the Court of Quarter Sessions of Crawford County on September 27, 1954, computed from August 2, 1954, be commuted from 5 years to 4 years, 3 months, 12 days, expiring on November 14, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 27 years of age, together with an accomplice, was involved in a series of burglaries in Crawford, Mercer and Clarion Counties. He plead guilty to holding up a gas station and robbing the attendant and the cash register of about \$75. He had no previous criminal record.

The Trial Judge, Honorable Herbert Mook, stated to the parole agent that he did not oppose or recommend a commutation. District Attorney Richard Thomas of Crawford County wrote the Board that he was opposed to a commutation. The prison staff state that this is the case of a first offender who has served 4 years of his 5 year minimum sentence, and has made a good adjustment during his incarceration. At present, he is a carpenter on the construction detail. He evidences no deeply ingrained criminal trends and appears to have been sobered considerably by incarceration.

The applicant was sentenced to a term of 1 to 5 years in Mercer County, the sentence to run concurrent with that in Crawford County. The Clarion County offenses have not been disposed of, although every effort has been made by M. Barney Cohen, attorney of the applicant, and Mr. Norbert Welch, Director of Treatment, to clear up the Clarion County detainer. Up to this moment, Clarion County authorities have ignored all requests for action.

The Board is recommending a commutation of this sentence, believing that this man has been sufficiently rehabilitated, that he will conform to the rules of society and become a law-abiding citizen in every respect. The Board, therefore, recommends that the sentences in Crawford County be commuted, to expire when the minimum of the Mercer County sentence has been served.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.

(Sgd) THOMAS D. McBRIDE,
Attorney General.
NOT SITTING
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William E. Harris, E-3771, No. A-3889, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of William Harris, convicted of assault and battery; aggravated assault and battery; assault and battery w/i ravish; rape in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on June 22, 1953, computed from January 14, 1953 expiring on December 14, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 27 years of age, together with 6 accomplices were accused of raping a 27 year old woman. Although the applicant pled not guilty, he was identified by the victim as one of the group who had assaulted her.

The Trial Judge, Honorable Charles L. Guerin, wrote the Board that the application is entirely without merit. However, the District Attorney who had interviewed the applicant in the penitentiary, stated to the Board that the District Attorney's office is in favor of commutation, believing that the applicant is well rehabilitated. The penitentiary staff reports that the applicant is credited with having an above-average vocational record, and that his Blook Officer rates him in the upper 25% of the men on the block.

The applicant had no previous criminal record. Two of his six accomplices have been released by the court, and another accomplice is still out on bail.

The Board, therefore, recommends that this sentence be commuted.

Respectfully submitted,

NOT SITTING
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Thomas Higginbotham, No. A-4698, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Thomas Higginbotham, who plead guilty to illegal lottery in the Court of Quarter Sessions of Philadelphia County on November 12, 1940, and on January 29, 1943, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant is 52 years of age. He was arrested for setting up and maintaining a lottery in the years 1940

and 1942. For each offense he was placed under probation. He had no other criminal record.

The one sentencing judge, the Honorable L. Stauffer Oliver, wrote the Board he is not opposed to the granting of a pardon. The other sentencing judge is deceased. Likewise, the District Attorney's office is not opposed.

The applicant has been employed since 1943 by the Publishers Industry as a guard. The Personnel Manager of this company stated to the parole agent that the applicant is a very good, steady, reliable worker and has never been reprimanded for his work. Inquiry in the neighborhood of the applicant's home revealed that his reputation is excellent. The applicant owns his own home, which is in good condition, well-furnished and clean.

It was alleged that the applicant needs a pardon so that he may have security clearance as an employee in matters which require persons to be free from criminal records in order to hold their jobs.

The Board, therefore, recommends that this applicant be granted a pardon.

Respectfully submitted,
(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
NOT SITTING
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Henry E. Hileman, 3148-B, No. A-927, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Henry E. Hileman, convicted of statutory rape in the Court of Oyer and Terminer of Allegheny County on June 21, 1948, computed from April 2, 1948, be commuted from 16 years to 10 years, 8 months, 15 days, expiring on December 17, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until April 2, 1964.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,
(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Bruce Hoover, E-7452, No. A-4713, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Bruce Hoover, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Monroe County on May 8, 1957, computed from March 11, 1957, be commuted from 2 years to 1 year, 9 months, 10 days expiring on December 21, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 30 years old, plead guilty to the crime of burglary (4 counts). The applicant and two accomplices broke into 5 cottages in the Pocono resort area and stole over \$1100 worth of household items. This offense was his first major crime.

The Trial Judge, Honorable Fred W. Davis, has written the Board that he will rely upon the Board's decision in this matter. District Attorney Hansen stated to the parole agent that he neither recommends nor opposes commutation.

The prison staff reports that this is the first major imprisonment of the applicant and that his record has been satisfactory. He is presently assigned to the Forestry detail at the State Penitentiary at Rockview which is always a mark of confidence. The staff states the unanimous opinion that this is a deserving case for clemency consideration.

The Board, therefore, recommends commutation of this sentence.

Respectfully submitted,
(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William J. Hughes, No. A-4728, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that William J. Hughes, convicted of lottery in the Court of Quarter Sessions of Philadelphia County, on September 12, 1951, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant is thirty-eight years of age and was sentenced by the Quarter Sessions Court of Philadelphia County to 1 year probation, and fined \$25.00 and costs, for setting up and maintaining a lottery in September, 1951.

The sentencing judge, the Honorable Charles L. Guerin, wrote the Board that he would rely upon the judgment of the Board. The District Attorney is not opposed.

Since this offense, the applicant has maintained an excellent record. At present he is employed as an engineering aide in the Pennsylvania Department of Highways at Haverford. He resides in his own home in Philadelphia, with his wife and three children, and his reputation in the neighborhood is excellent. The head of the Department of

Highways in Haverford reports that his work is very satisfactory.

The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

NOT SITTING
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Samuel Hunter, 8347-C, No. 6996, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentenced of Samuel Hunter, convicted of robbery with accomplice while armed in the Court of Oyer and Terminer of Beaver County, on October 24, 1942, computed from October 21, 1942, be commuted from 20 years to 16 years, 1 month, 21 days, expiring on December 12, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until October 21, 1962.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Sterling B. James, E-969, No. A-3624, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Sterling B. James, convicted of robbery, burglary, etc. in the Court of Oyer and Terminer of Philadelphia County, on March 23, 1949, computed from February 17, 1949, be commuted from 26 years to 9 years, 10 months, expiring on December 17, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 29 years of age, pled guilty to an armed hold-up of a dentist's office, together with armed hold-ups of 13 other business places, all within a 30 days period, in 1949.

Since his confinement in the penitentiary, the staff report that he has made gains in the educational and vocational areas. His conduct has been good. He is now enrolled in the shorthand, bookkeeping and cost accounting courses and is making excellent progress. He works in the penitentiary office as a clerk. He had no prior record except a juvenile offense. He has been in prison for almost ten years.

The Trial Judge, Honorable Byron A. Milner, is opposed to a commutation at this time. The District Attorney stated that his office was not opposed, because the applicant appeared to be well rehabilitated and would conduct himself, if released, in a law-abiding manner.

The Board, therefore, recommends that this sentence be commuted.

Respectfully submitted,

NOT SITTING
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Wilford W. Jenkins, 80415, No. A-4733, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Wilford W. Jenkins, who pled guilty to the crimes of forgery of a written instrument and fraudulently uttering a forged instrument in the Court of Quarter Sessions of Allegheny County on February 5, 1952, computed from July 22, 1957, be commuted from 2 years to 1 year, 5 months, expiring December 22, 1958 and further recommend that the maximum sentence of Wilford W. Jenkins, convicted of fraudulent conversion in the Court of Quarter Sessions of Allegheny County on February 5, 1952, be commuted from 6 months to 1 day, expiring on December 23, 1958.

Our reasons for making this recommendation are as follows:

The applicant is 36 years of age. At the time of the present sentence, he was serving an 11 years flat sentence but was paroled on July 22, 1957 to start his present sentence of 2 to 4 years. The applicant was selling cars and used money belonging to his employer, for his own use. He also forged his employer's name to checks.

The Trial Judge, Honorable Samuel A. Weiss, was not opposed. Likewise, the District Attorney was not opposed, provided that the victims of the applicant's offense were satisfied to have the applicant released.

The Allegheny County Workhouse staff reports that the applicant is employed in the rug shop and has conducted himself in a satisfactory manner during his confinement.

The Board is in receipt of letters from Mr. George Kelly and Mr. Clarence Maneer of McKeesport, victims of the applicant's embezzlements, stating that they have no objection to release of this applicant on parole.

The Board, therefore, is recommending that the present sentence be commuted as well as the portion of this flat sentence yet to be served.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Mitchell Kaysier, E-1161, No. A-3694, September Session, 1958.
To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Mitchell Kaysier, convicted of armed robbery, burglary, larceny, receiving stolen goods, conspiracy, assault and battery with intent to kill in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on July 1, 1949, computed from June 3, 1949 be commuted from 30 years to 10 years, expiring on June 3, 1959, and further recommend that the maximum sentence of Mitchell Kaysier, convicted of aggravated assault and battery, conspiracy, robbery, violation of the firearms act and burglary in the Court of Oyer and Terminer of Bucks County on June 26, 1950 be commuted from 20 years to 9 years, expiring on June 26, 1959.

Our reasons for making this recommendation are as follows:

The applicant and several accomplices held up a used car lot and robbed three persons on the lot, one of whom was shot through the neck.

The applicant had a prior criminal record, but the prison staff indicates that he has had a very good conduct record in prison and this improvement has been noted in his personality. The applicant has taken psychological counseling and this has resulted in a marked improvement. His work record has been satisfactorily and for the past 3 years he has been working in the Craft Shop.

The Trial Judge of Bucks County, the Honorable Edward G. Biester, stated that he would rely upon the Board. The Philadelphia County Trial Judge, the Honorable Frank Smith, is deceased, and Judge Eugene Alessandrone stated that he would rely on the Board. The District Attorney's office of Philadelphia County is opposed to commutation. The District Attorney of Bucks County advised the parole agent he would rely upon the Board's decision.

At the hearing before the Board, members of his family were present and it was apparent that close family ties exist between the applicant and his immediate relatives.

The applicant has been incarcerated for over 9 years and the Board believes that the applicant, if released, has gained such an understanding of his problems that his future life will be free of criminal activity. The marked change that has characterized the applicant is indicative of a resolution to live a law-abiding life. He has fully realized that his past conduct has brought pain and suffering to his immediate family.

The Board is of the opinion that his loyalty and love of his wife and family will be a steadying influence in his life in the future. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.

(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Frank Kosiore, C-3064, No. A-3414, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Frank Kosiore, convicted of murder in the second degree in the Court of Oyer and Terminer of Allegheny County on April 27, 1953, computed from June 12, 1952 be commuted from 8 years to 6 years, 6 months, 10 days, expiring on December 22, 1958.

Our reasons for making this recommendation are as follows:

The applicant is 64 years of age. At the trial it was shown that he had suspected his wife of having relations with a roomer in the home. He laid in wait for the pair and observed his wife entering the room of the victim. A struggle ensued in which the applicant's wife and her paramour were both fatally shot. The applicant entered a plea of guilty to murder and voluntary manslaughter. He was sentenced on the voluntary manslaughter charge.

The trial judge is deceased, and the President Judge, Honorable William H. McNaugher did not wish to comment for he was unfamiliar with the case. The District Attorney stated to the Board that he had no objection to commutation. The penitentiary staff stated that the applicant seems sincere in his repentance for the offense he committed and that further incarceration would serve no useful purpose. It is the unanimous recommendation of the Staff that clemency be considered favorably, in view of the applicant's excellent adjustment. It was stated at the hearing before the Board that this applicant was an excellent inmate in every respect.

The applicant has served over three-fourths of his minimum sentence, and the Board believes that he is sufficiently adjusted to be released. The Board, therefore, recommends that the sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Robert L. Luckie, No. 6938, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Robert C. Luckie, convicted of in the Court of Oyer and Terminer of Allegheny County, on January 12, 1937 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant is 70 years of age, and had his life sentence commuted to life on parole in May 1951. He had pled guilty to shooting his wife over an altercation involving the wife's absence from the home. Since his release from prison, the applicant has moved to Springfield, Massachusetts, where he was employed as a janitor in a bank until his recent retirement.

The applicant has conducted himself in a law-abiding manner and is well regarded by his neighbors, the police department and his parole officer. The Massachusetts parole authorities highly recommend clemency. The applicant has been thrifty, saved his money and invested it wisely. The Pennsylvania Parole Board recommends that a commutation of the maximum sentence should be favorably considered for the applicant requires no further supervision.

The applicant was sentenced by the Honorable J. Frank Graff, who wrote the Board that he had no objection to the granting of clemency.

Because this applicant has demonstrated his ability to live an exemplary life he can well be considered as a satisfactory object for the clemency of this Commonwealth. The Board, therefore, recommends a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. MCBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Paul Madden, 6761-B, No. A-1000, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Paul Madden, convicted of armed robbery, in the Court of Oyer and Terminer of Allegheny County on May 5, 1950, computed from October 27, 1949, be commuted from 10 years to 9 years, 2 months, expiring on December 27, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until October 27, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. MCBRIDE,
Attorney General.

(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of George Marquette, 6697-C, No. 6385, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of George Marquette, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on October 28, 1940, computed from October 22, 1940, be commuted from 20 years to 18 years, 2 months expiring on December 22, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until October 22, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. MCBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Bernard McGuire, 3847-A, No. 8062, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Bernard McGuire, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on June 21, 1940, computed from October 1, 1943, be commuted from 30 years to 15 years, 2 months, 16 days expiring on December 17, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until October 1, 1973.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons

recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Nash, E-1533, No. A-4712, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of William Nash, who plead guilty to murder in the first degree in the Court of Oyer and Terminer of Philadelphia County on February 20, 1950, be commuted from life imprisonment to a term of imprisonment of 8 years, 10 months, expiring on December 20, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 52 years of age, plead guilty to the fatal shooting of his wife. The applicant states that he came home in an intoxicated condition and finding his wife elsewhere, he sought her at her sister's home. He entered that home through a second story window and fatally shot her.

The trial judge is deceased, and the Board received a letter from the Honorable Eugene V. Alessandrini, stating that he would rely upon the discretion of the Board as to the merits of this case. The District Attorney's office stated that it was not opposed to the granting of clemency.

The penitentiary staff states that the institutional record of the applicant is very good, but his physical condition is very bad. He is currently a hospital case, suffering from progressive spinal muscular atrophy. His facial muscles are contracted and he has difficulty in speaking. Likewise, he has difficulty in swallowing food and liquids. Other organs of his body are slowly becoming involved. The medical reports indicate that he is now totally disabled.

Although this man has served only 9 years of a life sentence, his present condition is rapidly becoming such that death will probably occur shortly and his physical condition and its progress probably preclude any possibility of this applicant's ever returning to a life of crime.

The Board, therefore, recommends that this sentence be commuted to life on parole.

Respectfully submitted,

NOT SITTING
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Henry Nicholson, 6599-B, No. A-4694, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Henry Nicholson, convicted of murder in the second degree in the Court of Oyer and Terminer of Venango County on August 7, 1940, computed from July 1, 1940, be commuted from 20 years to 18 years, 5 months, 16 days, expiring on December 17, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until July 1, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Howard P. Riggans, 6631-C, No. A-4661, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Howard P. Riggans, convicted of assault with intent to ravish, incestuous adultery and bastardy, in the Court of Quarter Sessions of Washington County on May 5, 1943, computed from February 26, 1943, be commuted from 20 years to 15 years, 9 months, 21 days, expiring on December 17, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until February 26, 1963.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Josephine Romauldo, 1646, No. 5192, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Josephine Romauldo, convicted of murder in the first degree, in the Court of Oyer and Terminer of Philadelphia County on October 25, 1940, computed from April 25, 1939, be commuted from life imprisonment to 19 years, 7 months, 20 days, expiring on December 15, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is now 60 years of age, pled not guilty to the crime of murder but was adjudged guilty by a jury. She was involved in the famous "arsenic ring" of Philadelphia County. Originally she was sentenced to death but her death sentence was commuted to life imprisonment by Governor Arthur H. James in June of 1941. Prior to her arrest and conviction, she had no prior criminal record.

During her long incarceration at the Muncy Institution, the applicant has maintained an excellent disciplinary record. At present, she is employed as a cook in that institution.

The trial judge is deceased but the Board was advised by the Honorable Eugene V. Alessandrini that the merits of the case are for the discretion of the Board. The District Attorney of Philadelphia County stated that he was not opposed. It appears that she is in good health and mentally alert, cooperative and has a pleasing personality. The Director of Parole, who has talked to her many times, stated to the Board that he was in favor of her release for he believed her to be a favorable case for clemency.

This applicant, who has spent so many years in the Muncy Institution and has reached the age of 60 years, is ready for release. A continuation of her incarceration serves no useful purpose. It does not seem probable that, if released, she will ever pursue a life of crime. Her present sentence was her first sentence and in all probability will be her last.

The Board believes that she will not be a menace to society if released and that her last days will be spent in peace and quiet as a law-abiding citizen. The Board, therefore, recommends that her life sentence be commuted to be on parole for the balance of her life.

Respectfully submitted,

NOT SITTING

Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Norman L. Rose, 7714-B, No. A-1165, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Norman L. Rose, convicted of sodomy in the Court of Oyer and Terminer of Allegheny County on November 14, 1950 be commuted from 10 years, to 8 years, 1 month, 3 days, expiring on December 17, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until November 14, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Sewell W. Rouzer, C-959, No. A-3441, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Sewell W. Rouzer who pled guilty to the crimes of prison breach; larceny, receiving stolen goods; burglary, larceny and receiving stolen goods, in the Court of Oyer and Terminer of Blair County on December 20, 1948, computed from November 27, 1948, be commuted from 12 years to 10 years, 23 days, expiring on December 20, 1958.

Our reasons for making this recommendation are as follows:

The applicant stole an automobile. While confined in the Blair County Jail, he and an accomplice escaped, but were later apprehended.

The trial judge is deceased and the President Judge, Honorable John M. Klepser, stated to the parole agent that any decision of the Board would be satisfactory. The District Attorney of Blair County wrote that he was opposed to commutation.

The prison staff states the applicant has served over 9 years for his offenses and he has made a good prison adjustment. He is an expert mechanic, and has invented some items to be attached on a sewing machine which has saved the Commonwealth some money. He has become a skilled mechanic and should have ready employment in that particular field when released.

The applicant has a 22 months sentence yet to serve in Bedford County for another offense. The Board, there-

fore, recommends commutation of this Blair County sentence only.

Respectfully submitted,
 (Sgd) ROY E. FURMAN,
 Lieutenant-Governor.
 (Sgd) JOHN S. RICE,
 Secretary of the Commonwealth.
 (Sgd) THOMAS D. McBRIDE,
 Attorney General.
 (Sgd) GENEVIEVE BLATT—Dissents,
 Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
 Governor.

BOARD OF PARDONS

In re application of Royal Sampson, 1623-B, No. A-4992, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Royal Sampson, convicted of burglary in the Court of Quarter Sessions of Berks County on September 23, 1942 computed from September 10, 1946 be commuted from 15 years to 12 years, 3 months, 7 days expiring on December 17, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until September 10, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,
 (Sgd) ROY E. FURMAN,
 Lieutenant-Governor.
 (Sgd) JOHN S. RICE,
 Secretary of the Commonwealth.
 (Sgd) THOMAS D. McBRIDE,
 Attorney General.
 (Sgd) GENEVIEVE BLATT,
 Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
 Governor.

BOARD OF PARDONS

In re application of Albert Schake, 9927-C, No. 7762, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Albert Schake, convicted of robbery by violence while armed, larceny, etc., in the Court of Oyer and Terminer and Quarter Sessions of Washington County on January 12, 1951, computed from December 4, 1950, be commuted from 15 years to 8 years, 20 days exp. December 24, 1958; and recommended that the maximum sentence of Albert Schake, convicted of burglary, receiving

stolen goods in the Court of Oyer and Terminer and Quarter Sessions of Allegheny County on February 9, 1944, computed from November 27, 1943, be commuted from 21 years to 15 years, 1 month, expiring on December 27, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until December 4, 1965 and November 27, 1964.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,
 (Sgd) ROY E. FURMAN,
 Lieutenant-Governor.
 (Sgd) JOHN S. RICE,
 Secretary of the Commonwealth.
 (Sgd) THOMAS D. McBRIDE,
 Attorney General.
 (Sgd) GENEVIEVE BLATT,
 Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
 Governor.

BOARD OF PARDONS

In re application of Edward Schleinkofer, 1210-C, No. A-491, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Edward Schleinkofer, convicted of robbery and assault in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on January 2, 1947, be commuted from 20 years to 11 years, 11 months, 15 days, expiring on December 17, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until January 2, 1967.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,
 (Sgd) ROY E. FURMAN,
 Lieutenant-Governor.
 (Sgd) JOHN S. RICE,
 Secretary of the Commonwealth.
 (Sgd) THOMAS D. McBRIDE,
 Attorney General.
 (Sgd) GENEVIEVE BLATT,
 Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
 Governor.

BOARD OF PARDONS

In re application of Ralph L. Scott, 5426-D, No. 7923, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Ralph L. Scott, convicted of conspiracy, arson, etc. in the Court of Oyer and Terminer of Perry County in March 27, 1941, computed on March 19, 1941 be commuted from 20 years to 17 years, 8 months, 23 days expiring on December 12, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until March 19, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Thomas Sopp, No. A-4584, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Thomas Sopp, convicted of larceny in the Court of Quarter Sessions of Erie County, on November 19, 1925 be pardoned.

Our reasons for making this recommendation are as follows:

The applicant, who is 61 years of age, is no longer imprisoned and since 1925 has not been involved in any criminal activity whatsoever. At the time of the arrest in 1925, the applicant was an officer on the Erie Police Force and plead guilty to taking some rugs. It appeared that the applicant met a fellow police officer, who had removed some rugs which had accidentally fallen from a warehouse window, and invited the applicant to take a few of them, which he did. He plead guilty to larceny.

Since his release from prison, the applicant has been employed for the past twenty years as a police officer for the Erie Dock Company. Investigation disclosed that he has a perfect record as an employee of the Dock Company, and bears an excellent reputation in his community. He owns his own home, which is situated on twenty-seven acres of land, where he resides with his wife. The applicant stated that he is anxious to have this record cleared, for there is a chance for advancement in his employment.

Because the applicant has spent so many years leading a law-abiding life and has conducted himself in an ex-

emplary manner for over a quarter century, the Board recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Eckle Southard, Jr., D-8585, No. A-3261, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Eckle Southard, Jr., who plead guilty to murder in the first degree in the Court of Oyer and Terminer of Delaware County on November 16, 1945, computed from September 8, 1945, be commuted from life imprisonment to a term of 13 years, 3 months, 10 days, expiring on December 18, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 34 years of age, plead guilty to stabbing the woman with whom he had been living. The violent dispute which caused this fatal stabbing arose over another man.

The Trial Judge, Honorable Albert D. MacDade, is deceased, and the President Judge, Henry G. Sweney, has written the Board that "if this man has made an adjustment as indicated by the officials of the Penitentiary, I think consideration should be given to his release." The District Attorney of Delaware County expressed a similar opinion.

The prison staff of the Eastern State Penitentiary indicated that this applicant, who has served over 13 years of a life sentence and had no previous criminal record, has become a skilled linotype operator. He has maintained an excellent work record and an unblemished disciplinary record. The reports from all departments are most favorable.

The Board is persuaded that this young man has become a stable and matured individual. He has demonstrated by his skill as a linotype operator that he is ready to take his place in society. The atmosphere at home to which he will return, will lend itself to strengthening him. The applicant was only 20 years old when he committed this serious offense and the years which he has spent in the penitentiary have considerably sobered him. The Board is very confident that this young man has before him a useful life and the serious mistake he made as a 20-year-old youth will not be repeated.

The Board is in receipt of a letter from the Honorable Robert M. Worrell, Judge of the Twenty-Seventh Judicial Circuit, Pineville, West Virginia, speaking very highly of the parents of the applicant and the wholesome atmosphere to which he will return. The Board also has a letter from the Independent Herald Publishing Company, Pineville, West Virginia, indicating that employment with the company will be available.

The quiet atmosphere of a good home, the fact that he has become a skilled workman in a highly paid trade and will have a job augurs that he will become a substantial citizen of the community.

The Board, therefore, recommends commutation of his life sentence.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Louis Telese, E-6900, No. A-4627, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommends that the minimum sentence of Louis Telese, convicted of aggravated robbery in the Court of Oyer and Terminer of Philadelphia County on October 15, 1956, computed from February 1, 1956, be commuted from 5 years to 3 years expiring on February 1, 1959.

Our reasons for making this recommendation are as follows:

The applicant, who is 32 years of age, together with 6 accomplices, was involved in a well-planned armed robbery in which the runner of a check-cashing agency was held up and robbed of \$18,000 in cash. The applicant was one of the group of three men who came down from New York, at the request of a Philadelphia conspirator, to carry out this robbery.

The staff of the penitentiary stated that his record is unblemished and his attitude and adjustment is very good. The applicant, although arrested several times for minor offenses, is undergoing his first imprisonment and is considered a first offender. He is employed as a tailor in the institution and has a very good work and conduct record.

The Trial Judge, Honorable Vincent A. Carroll, expressed his opposition to the granting of a commutation. The District Attorney's office was also opposed.

The close family ties which exist, lend belief that this applicant will conduct himself as a law-abiding citizen. It is reported that his mother is in a serious physical condition and his father also is suffering from coronary thrombosis. His efforts at self-improvement and his skill as a tailor, assures him of immediate employment and the Board has a letter from the Antonio Coat Company, Inc., New York, assuring him of employment.

The Board believes that this applicant who became involved in this serious offense, has realized the error of the pattern of his life and has resolved to be a law-abiding citizen in the future and with the help of his family and friends, he should easily obtain his goal of adjustment in society. The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Jack K. Van Eman, 6261-B, No. A-4668, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Jack K. Van Eman, convicted of burglary in the Court of Oyer and Terminer of Washington County on February 20, 1950, computed from December 12, 1949, be commuted from 10 years to 9 years, 5 days, expiring on December 17, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until December 12, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Harry Van Gorder, C-3529, No. A-4429, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Harry Van Gorder, convicted of armed robbery with accomplice; aggravated assault and battery in the Court of Oyer and Terminer of Butler County on November 5, 1954, be commuted from 5 years to 4 years, 1 month, 15 days, expiring on December 20, 1958, and further recommend that the maximum sentence of Harry Van Gorder, convicted of armed robbery in the Court of Oyer and Terminer of Crawford County on November 5, 1956, be commuted from 8 years to 2 years, 1 month, 15 days, expiring on December 20, 1958, and further recommend that the maximum sentence of Harry Van Gorder, convicted of felonious assault, pointing firearms in the Court of Oyer and Terminer of Allegheny County on September 27, 1957, be commuted from 4 years to 1 year, 2 months, 23 days, expiring on December 20, 1958.

Our reasons for making this recommendation are as follows:

The applicant and an accomplice committed a series of hold-ups in Butler, Crawford and Allegheny Counties. In the course of one of the hold-ups, a gas-station attendant was shot. He was sentenced in Butler County to a term of 5 to 10 years, effective November 5, 1954. The sentence from Crawford and Allegheny County were made concurrent with the Butler County sentence.

The Trial Judge of Butler County was not available for

comment. Judge Mook of Crawford County stated to the parole agent that he was not opposed to commutation. Judge Montgomery of Allegheny County stated that he had no objection to a commutation. The District Attorneys of Butler County and of Allegheny County were not opposed, although the District Attorney of Crawford County expressed opposition to the parole agent.

The penitentiary staff indicates that the applicant's institutional adjustment has been excellent and that he is currently performing a job as head clerk in a storeroom requiring responsibility and skill.

The Board believes that this applicant will, if released, live a law-abiding life. The Board, therefore, recommends that commutation be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James VonHedemann, No. A-4759, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of James VonHedemann, convicted of violation of the narcotic act in the Court of Quarter Sessions of Allegheny County on June 19, 1957, computed from April 11, 1957, be commuted from 2½ years to 1 year, 8 months, 10 days, expiring on December 21, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 39 years of age, plead guilty to possessing marijuana cigarettes. At the trial he contended that he was trying to protect a woman who had the cigarettes in her possession.

The Trial Judge, Honorable Henry J. Ellenbogen, stated to the parole agent that he felt that this sentence was severe but was mandatory under the law, and he said that he had no objection to commutation. The District Attorney, likewise, stated that he was not opposed.

The applicant has served over one-half of his minimum term and the young lady involved in this offense was paroled in less than 5 months by the county court.

The Board, therefore, recommends that this sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
NOT SITTING
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Arthur L. Ventura, C-4260, No. A-3003, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Arthur L. Ventura, convicted of burglary, larceny, receiving stolen property, armed robbery, burglary and larceny, robbery in the Court of Quarter Sessions of Westmoreland County on September 1, 1950, computed from August 20, 1958, be commuted from 20 years to 4 months, expiring on December 20, 1958, and further recommend that the maximum sentence of Arthur L. Ventura, convicted of burglary in the Court of Oyer and Terminer of Allegheny County on December 15, 1950, computed from August 20, 1958, be commuted from 10 years to 4 months, expiring on December 20, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 44 years of age, together with three or four accomplices, was involved in a series of burglaries in five western counties. He was suspected of being involved in 192 burglaries covering a period from 1946 to 1950. One of the accomplices, who confessed, implicated the applicant.

The applicant has served the minimum sentences imposed by the counties of Washington, Green and Beaver, and is now serving the Westmoreland County sentence of 20 to 40 years, and the concurrent Allegheny County sentence of 10 to 20 years. He has been continuously confined since February 1948.

The trial judge, the Honorable R. D. Laird of Westmoreland County, is retired. The Board received word from the parole agent that the Honorable John M. O'Connell of Westmoreland County is opposed. The Honorable J. Frank Graff was specially presiding in Allegheny County. He wrote the Board that he is not opposed. The District Attorney of Allegheny County was opposed. Likewise, the District Attorney of Westmoreland County expressed opposition.

The prison staff reports that, for the past 10 years, the applicant has maintained a good record and has applied himself to his job. He was particularly helpful to the officials of the prison during the riot of 1953. He saved the life of a guard, Sgt. Daugherty. Several of the inmates at the time of the riot seized Sgt. Daugherty, but the applicant managed to successfully hide him, and then was able to effect his release without harm or injury. The applicant walked out into the prison yard, which was then being covered by rifles, and was instrumental in the releasing of Sgt. Daugherty at the risk of his own life.

The Board realizes that this applicant had a notorious criminal record, and yet his good prison record plus the effort made to save the life of a prison guard deserve recognition. The Board, therefore, recommends commutation of his Westmoreland County, and concurrent Allegheny County sentences.

Respectfully submitted,

(Sgd) ROY E. FURMAN—Dissents,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Fred Ward, 7024-D, No. A-4667, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Fred Ward, convicted of Statutory Rape in the Court of Oyer and Terminer of Allegheny County on December 10, 1945 be commuted from 15 years to 13 years, 2 days, expiring on December 12, 1958.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until December 10, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Frederick Jefferson Williams, D-6351, No. A-3541, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Frederick Jefferson Williams, convicted of murder in the first degree, in the Court of Oyer and Terminer of Dauphin County on March 6, 1942, computed from December 25, 1941, be commuted from life imprisonment to 16 years, 11 months, 29 days, expiring on December 24, 1958.

Our reasons for making this recommendation are as follows:

It appeared that the applicant, who is 40 years of age, was drinking heavily on the day before Christmas in 1941 and became embroiled in a fight. In the fight, he wounded one and killed another. He then took the automobile of one of his victims, and, on his way to Steelton picked up a man and robbed him of his money.

The trial judge, Honorable Karl E. Richards, wrote the Board that he has been out of touch with the defendant since 1942 and has no recommendations to make, either for or against clemency. The District Attorney of Dauphin County stated that clemency could well be considered. He said that the crime could well have been considered as murder in the second degree, rather than in the first degree, and, for that reason, felt that the time had come for the applicant's release.

The penitentiary staff stated that the applicant has served nearly 17 years of his life sentence and has made gains in the educational and vocational fields. His prison record is good.

The Board, therefore, recommends that this life sentence be commuted to life on parole.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Owen Williams, C-1088, No. A-568, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Owen Williams, convicted of burglary in the Court of Oyer and Terminer of Allegheny County on May 6, 1949, computed from February 22, 1949 be commuted from 20 years to 9 years, 10 months, expiring on December 22, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 34 years of age, plead guilty to burglary. It was stated at the trial that, for about a period of 6 months he had entered numerous dwellings in Allegheny County and had committed some 45 or 46 burglaries. No injury, however, was inflicted upon anyone in the course of the burglaries. He had a prior criminal record of 4 arrests and 1 juvenile conviction.

The Trial Judge, Honorable Henry X. O'Brien, stated to the parole agent that he was not opposed to commutation. The District Attorney of Allegheny County, however, stated that he was opposed.

The penitentiary staff states that the applicant is of average intelligence and has made an excellent adjustment during almost 10 years of confinement. He appears to have matured and acquired a sense of responsibility.

The applicant has demonstrated, during a long period of time, the determination to adjust himself to society. He has been employed in the Tag Plant at the prison, where he is responsible for the mixing of the paints and is doing an excellent job. The Board of Parole will of course supervise his home and employment condition if he is released, and it is confidently believed that he will not violate the laws of society in the future.

The Board, therefore, recommends this commutation be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Daniel David Young, E-2825, No. A-2712, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Daniel Davis Young, convicted of burglary

and larceny; burglary, in the Court of Oyer and Terminer of Schuylkill County on February 25, 1952, computed from December 27, 1951 be commuted from 10 years to 6 years, 11 months, 27 days, expiring on December 24, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 27 years of age, plead guilty to the crime of burglary and larceny, wherein he and an accomplice entered 5 business places in Schuylkill County and took loot valued at over \$2,000. While in the Schuylkill County Prison, it was alleged that he was a leader in a proposed prison riot. His original sentence of 5 to 10 years was revoked and he was sentenced to a term of 10 to 20 years.

The Trial Judge, Honorable Cyrus M. Palmer, informed the parole agent that he had no objection to commutation. District Attorney Harris, advised the agent that he was opposed to commutation.

The applicant had a previous criminal record, which involved 4 arrests but no convictions. The prison staff states that he has demonstrated considerable vocational stability, attempted self-improvement through educational pursuits, and has maintained an unblemished disciplinary record. His accomplice, who received a similar sentence of from 10 to 20 years, had his minimum sentence commuted in April 1958.

The Board believes that this young man, who was never imprisoned previous to this offense, has learned a lesson which is of sufficient severity to teach him to avoid any further criminal activity.

The Board, therefore, recommends that this sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Zak, E-4728, No. A-4193, September Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Zak, convicted of burglary, larceny, receiving stolen goods in the Court of Oyer and Terminer of Bucks County on August 13, 1954, computed from July 29, 1954, be commuted from 5 years to 4 years, 4 months, 20 days expiring December 19, 1958.

Our reasons for making this recommendation are as follows:

The applicant, who is 42 years of age, plead guilty to entering and burglarizing food markets in Bucks County, and taking loot to the amount of \$800 or more in cash. He was indicted for 3 separate offenses. He had a prior criminal record involving burglary and larceny, but the present sentence is the most severe that he has received.

The Board received a letter from the former judge, Honorable Hiram H. Keller, stating that he had no objection to a commutation of the sentence. President Judge Edward G. Biester stated that he would rely upon the decision of the Board. District Attorney Beckert likewise expressed his reliance upon the action of the Board.

The prison staff stated that the reports from all the departments in the prison are favorable. The applicant has maintained an excellent work record, an unblemished

disciplinary record and has been making a good adjustment.

The Board believes that the attitude of the prisoner and his evident efforts at self-improvement indicate that he will make every effort to adjust himself to society.

The Board, therefore, recommends that this sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of George W. Aurick, Jr., No. A-4777, October Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that George W. Aurick, Jr., convicted of involuntary manslaughter in the Court of Quarter Sessions of Philadelphia County, on December 2, 1941, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant, who is fifty-five years of age, struck a young girl while driving his automobile, causing her death. He plead not guilty, but upon the third trial in the Philadelphia County Courts, he was found guilty.

The trial judge, the Honorable Francis Shunk Brown, Jr., wrote the Board that he would rely upon the discretion of the Board. The District Attorney of Philadelphia County likewise wrote to the Board that he was not opposed to granting a pardon.

Since the release of the applicant from the County Prison in 1942, he has adjusted in a most satisfactory manner. At present, he is the head of a plumbing and heating business, employing twelve men. This business has proved most prosperous and in every way he has demonstrated his stability. It was stated to the Board that in the conduct of his business, the applicant is required to file Performance Bonds and the fact that this sentence is on his record, hinders him greatly in bidding for large-sized plumbing and heating jobs that require bonds. The report of the parole agent as to his reputation in his home neighborhood is very commendatory. His reputation in the business world is excellent.

The Board, therefore, recommends that a pardon be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
DISQUALIFIED
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Arthur Brown, 7614-D, No. A-4765, October Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Arthur Brown, convicted of robbery with accomplice while armed, in the Court of Oyer and Terminer of Beaver County, on October 24, 1942, computed from October 21, 1942, be commuted from 20 years to 16 years, 3 months, expiring on January 21, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until October 21, 1962.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of David Butler, 1793-D, No. 9302, October Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of David Butler, convicted of robbery; rape, etc., in the Court of Oyer and Terminer of Philadelphia County, on August 15, 1944, computed from July 12, 1944, be commuted from 15 years to 14 years, 6 months, 10 days, expiring on February 22, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until July 12, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.

(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Charlton, 2853-C, No. 9584, October Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of William Charlton, convicted of burglary, assault and battery with intent to kill; violation of Firearms Act, in the Court of Oyer and Terminer and Quarter Sessions of Delaware County, on June 9, 1947, be commuted from 20 years to 11 years, 7 months, expiring on January 29, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until June 9, 1967.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Leroy Confer, 8995-E, No. A-4766, October Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Leroy Confer, convicted of assault with intent to rob; armed to rob in the Court of Oyer and Terminer of Clinton County on November 9, 1943, computed from November 4, 1943, be commuted from 20 years to 15 years, 2 months, 20 days, expiring on January 24, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until November 4, 1963.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Creta, 7738-C, No. 5644, October Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of James Creta, convicted of rape; robbery and statutory rape in the Court of Oyer and Terminer and Quarter Sessions of Schuylkill County on November 4, 1932, computed from August 8, 1950, be commuted from 30 years to 8 years, 5 months, 20 days, expiring on January 28, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until August 10, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Alfonso Cusumano, 5729-D, No. 9087, October Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Alfonso Cusumano, convicted of assault to rob while armed, burglary in the Court of Oyer and

Terminer and Quarter Sessions of Bucks County on May 8, 1945, computed from April 5, 1945, be commuted from 14 years to 13 years, 9 months, 20 days, expiring on January 25, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until April 5, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Julius Greer, 7347-D, No. A-349, October Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Julius Greer, convicted of murder in the second degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on February 21, 1946, computed from December 20, 1945, be commuted from 18 years to 13 years, 1 month, expiring on January 20, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until December 20, 1963.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Richard S. Griffith, 7125-D, No. A-1226, October Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Richard S. Griffith, convicted of murder, second degree in the Court of Oyer and Terminer of Mifflin County on January 15, 1946, computed from September 4, 1945 be commuted from 15 years to 13 years, 4 months, 20 days, expiring on January 24, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until September 4, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Lawrence Keith, D-7741, No. A-3594, October Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Lawrence Keith, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on March 31, 1944, computed from January 28, 1944, be commuted from life imprisonment to a minimum term of 14 years, 11 months, 3 days, expiring on December 31, 1958.

Our reasons for making this recommendation are as follows:

This applicant, who is forty-three years of age, pled guilty to the murder of the victim during a card game. It appeared that the applicant and the victim got into an argument over a small sum of money. There was a tussle between them and the applicant grabbed a knife and fatally stabbed the victim.

The trial judge is deceased. The President Judge, the Honorable Henry G. Sweney, wrote the Board that he is recommending a commutation of the sentence. Likewise, the Assistant District Attorney of Delaware County stated that his office was not opposed to a commutation. The prison staff states that the applicant has an unblemished disciplinary record, that his attitude is favorable, and that he appears to have matured. All departments of the institution speak very well of this applicant. At present, he is a Pressman in the Print Shop.

A consideration of the testimony indicated that this applicant could well have been guilty of murder in the

second degree. His previous career indicated no convictions for any crime although he had a record for minor offenses without any imprisonment.

The Board believes that this applicant has demonstrated by his adjustment in the penitentiary and his vocational aptitudes lend confidence to the belief of his ability to adjust in society, if released on parole. The Board is recommending that the life sentence of this applicant be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Harry Klier, 6780-C, No. 5360, October Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Harry Klier, convicted of statutory rape and sodomy in the Court of Oyer and Terminer of Greene County on May 5, 1938, computed from May 4, 1938 be commuted from 30 years to 20 years, 8 months, 20 days, expiring on January 24, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until May 4, 1968.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Lane, 4337-D, No. 7813, October Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum

sentence of William Lane, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on January 10, 1940, computed from December 31, 1939, be commuted from 60 years to 19 years, 1 month expiring on January 31, 1959 and further recommend that the maximum sentence of William Lane, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on March 20, 1940, computed from December 31, 1939, be commuted from 120 years to 19 years, 1 month expiring on January 31, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until February 20, 2060.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Mayer, 546-D, No. 6442, October Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of William Mayer, convicted of robbery, being armed with an offensive weapon in the Court of Oyer and Terminer of Philadelphia County on December 17, 1936 be commuted from 50 years to 22 years, 1 month, 10 days, expiring on January 27, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until September 11, 1969.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.

(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Mont Owen Thompson, 3757-C, No. A-4818, October Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Mont Owen Thompson, convicted of burglary, larceny and attempted burglary in the Court of Quarter Sessions of Washington County on August 8, 1947, computed from April 9, 1947 be commuted from 20 years to 11 years, 9 months, 20 days, expiring on January 29, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until April 9, 1967.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Frank Pekala, 5559-D, No. 8326, October Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Frank Pekala, convicted of burglary and larceny in the Court of Oyer and Terminer and Quarter Sessions of Delaware County on March 24, 1949, computed from August 25, 1951 be commuted from 10 years to 7 years, 5 months, expiring on January 25, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until August 25, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole

recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Thomas Preno, 7136-B, No. A-983, October Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Thomas Preno, convicted of arson in the Court of Oyer and Terminer of Lackawanna County on May 19, 1960, be commuted from 10 years to 8 years, 8 months, expiring on January 19, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until May 19, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Joseph Sproul, Jr., E-5777, No. A-4810, October Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Joseph Sproul, Jr., convicted of aggravated robbery in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on September 16, 1955, computed from August 24, 1955, be commuted from 5 years to 3 years, 4 months, 7 days, expiring on December 31, 1958.

Our reasons for making this recommendation are as follows:

This applicant, who is twenty-six years of age, together with two accomplices, held up the victim at gun point, forcing him into an automobile they drove some distance, and then took \$2,800 from him.

The Trial Judge, the Honorable Leo Weinrott, wrote the Board that he would rely upon their decision. The District Attorney of Philadelphia County, stated that the application was slightly premature. The institutional staff states that the applicant has demonstrated stability and he is considered to be unusually meritorious. At present, he is a clerk in the deputy warden's office and is performing his duties in an efficient manner. He is considered, in every respect, to be an above average inmate. He had no previous criminal record and has served well over one-half of his minimum sentence. The Senior Parole Officer stated to the Board that the applicant has made an excellent adjustment.

The Board believes that this young man has demonstrated his ability to live a law-abiding life, and, if released, will not be involved in any future criminal activity.

The Board, therefore, recommends that his sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles Thomas 6339-D, No. 6021, October Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Charles Thomas, convicted of robbery, etc., in the Court of Quarter Sessions of Delaware County on May 23, 1941, computed from April 7, 1941, be commuted from 20 years to 17 years, 9 months, 20 days, expiring on January 27, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until April 7, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William L. Thompson, 3758-C, No. 9803, October Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of William L. Thompson, convicted of burglary, larceny and attempted burglary in the Court of Quarter Sessions of Washington County on August 8, 1947, computed from April 10, 1947, be commuted from 20 years to 11 years, 9 months, 10 days, expiring on January 20, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until April 10, 1967.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Ellwood Winton, 8340-C, No. 6981, October Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Ellwood Winton, convicted of entering to steal in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on December 6, 1939, computed from November 30, 1939 be commuted from 20 years to 19 years, 2 months, expiring on January 30, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until November 30, 1959.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term

of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Irvin Aronoff, No. 4241, September Session, 1958. (Recommended at the November 1958 Session)

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that Irvin Aronoff, convicted of bookmaking and disorderly gambling house in the Court of Quarter Sessions of Philadelphia County on November 9, 1936; and further recommend that Irvin Aronoff, convicted of poolselling and bookmaking and conspiracy to commit bookmaking and poolselling in the Municipal Court of Philadelphia County on August 28, 1952, be pardoned.

Our reasons for making this recommendation are as follows:

The applicant was placed on probation for two years and fined for bookmaking, operating a gambling house and other offenses associated with gambling. He had previously been involved in various phases of gambling activity, and his latest offense was in 1951, but the record indicates no jail sentences. He moved to Florida in 1952 and has been working as a real estate salesman and also operating a taproom during the evenings.

The Board inquired as to a report that the applicant had been prosecuted in Florida but is in receipt of a letter from the Director of Public Safety in Dade County, Florida stating that the allegation that Mr. Aronoff violated the State Beverage Laws was an error and that at no time were charges filed against him there.

The Florida Parole Board has reported to the Board of Pardons that the applicant's personal behaviour has been satisfactory and that he not only operates a real estate business but runs a taproom known as the "El Carol Bar" during the evening.

The trial judge, Honorable Francis Shunk Brown, Jr., wrote the Board that he would rely upon the Board for its decision. The Honorable Adrian Bonnelly wrote that he recommends a pardon for this applicant. The District Attorney's office of Philadelphia County stated that it was not opposed to the granting of a pardon.

The Board, therefore, is recommending that a pardon be granted for the offenses committed by Mr. Aronoff. He requires such a pardon in order to obtain a real estate broker's license in Florida.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Elmer Berry, B-4563, No. A-2176, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Elmer Berry, convicted of murder in the first degree, in the Court of Oyer and Terminer of Erie County on June 6, 1935, be commuted from life imprisonment to a minimum sentence of 23 years, 7 months, 10 days, expiring on January 16, 1959.

Our reasons for making this recommendation are as follows:

The applicant, who is 59 years of age, stopped at a farm house inquiring for a job. In the course of the discussion, the victim, who was the owner of the farm, became enraged and struck the applicant, whereupon the applicant drew a revolver and, in the tussle for the gun, the applicant fatally shot the victim. At the trial it was testified that the applicant prepared for the fatal interview by obtaining a revolver.

The trial judge, Honorable William E. Hirt, stated to the Parole agent that he was still opposed to the commutation of life imprisonment. Likewise, present District Attorney Johnston stated he was opposed to a commutation. This man has spent 23½ years in the penitentiary, and, during that time, he has acquired a trade and is considered now to be a master machinist. He has recently been transferred from the Western State Penitentiary to the State Penitentiary at Rockview in order that his ability as a machinist can be put to practicable use. The Rockview Institution had no one capable of repairing machinery and this applicant qualified for the job. He could have gone to Rockview prior to this but was needed at the Western State Penitentiary in the same capacity.

The Board believes that this man, who is nearly 60 years of age, can adjust himself to society. He has the advantage of being a skilled machinist, a skill acquired during his 23 years of confinement. The Board of Parole will investigate his home, sponsor and employment prior to his release.

The Board believes that the applicant will never again violate the laws of this Commonwealth and will conduct himself as a law-abiding citizen; it, therefore, recommends that this life sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Bryson, 3143-B, No. 9529, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of James Bryson, convicted of robbery; armed with offensive weapon, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County, on March 15, 1938, computed from March 4, 1938, be commuted

from 50 years to 20 years, 10 months, expiring on January 4, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until March 4, 1988.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Selvian Rayart Chandler, E-3522, No. A-4859, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Selvian Rayart Chandler, convicted of murder in the second degree, in the Court of Oyer and Terminer of Dauphin County on January 21, 1953, computed from July 26, 1952, be commuted from 10 years to 6 years, 6 months, expiring January 26, 1959.

Our reasons for making this recommendation are as follows:

The applicant who is 30 years of age, was a soldier stationed at Indiantown Gap at the time he was calling upon the wife of the victim. The husband came home and started to beat his wife in front of the home. The applicant went into the house, got a revolver and shot the victim. He also drew a knife and threatened to kill the applicant.

The District Attorney of Dauphin County said that the cause of this entire affray was the wife of the victim and she should have been the person punished. The District Attorney's office was not opposed to commutation. Likewise, the Trial Judge, Honorable Walter R. Sohn, stated to the Parole Agent that he is in favor of the commutation of the minimum sentence.

The applicant, who has served over 5 years of his minimum sentence, if a first offender. The penitentiary staff reports that he is of above average intelligence who has made many successful attempts at self-improvement. At present he is a clerk in the Vocational School, and his work is considered highly satisfactory.

The Board believes that this young man, who has demonstrated his sincere attempt to improve himself, will successfully adjust upon release. The Board, therefore, recommends that this sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.

(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT—Dissents
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Othello Dow, 4052-B, No. A-4834, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Othello Dow, convicted of murder in the second degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on January 20, 1942, computed from May 22, 1941, be commuted from 20 years to 17 years, 7 months, 20 days, expiring on January 12, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until May 22, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Duritsky, 5235-B, No. A-139, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of William Duritsky, convicted of assault and battery; assault and battery with intent to rob; robbery, etc., in the Court of Oyer and Terminer of Fayette County on July 22, 1949, be commuted from 20 years to 9 years, 5 months, 22 days, expiring on January 12, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But

for this action the applicant, because of his sentence, would remain on parole until July 22, 1969.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Ernest Judson Ewing, No. A-4833, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Ernest Judson Ewing, convicted of burglary in the Court of Oyer and Terminer of Allegheny County on October 5, 1953, computed from August 24, 1953, be commuted from 10 years to 5 years, 5 months expiring January 24, 1959.

Our reasons for making this recommendation are as follows:

The applicant, who is 30 years of age, was released from the penitentiary at the end of his minimum sentence on August 24, 1955, and was permitted to go to Miami, Florida where he had employment as a gas station attendant. The applicant is now employed as a salesman for the Mary Carter Paint Company, where he receives a base salary of \$267 a month plus commissions.

The Board of Parole of the State of Florida reports that the applicant has made a satisfactory adjustment and is highly regarded by the Florida Parole authorities. The Pennsylvania Board of Parole stated that it would have no objection to a commutation of the applicant's maximum sentence.

The Honorable William H. McNaugher, President Judge, wrote the Board that he had no information on this case and therefore, could not express an opinion.

The applicant has been on parole for 3 years with an excellent record, and he is asking that his maximum sentence be commuted in order that he may improve his position with the Mary Carter Paint Company.

The Board, having carefully considered the recommendations of both the Pennsylvania and Florida Parole Boards, recommends that this maximum sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
NOT SITTING
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Ernest Felder, 8119-C, No. 8373, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Ernest Felder, convicted of burglary and receiving stolen goods in the Court of Quarter Sessions of Philadelphia County on May 22, 1942, computed from April 17, 1942 be commuted from 20 years to 16 years, 9 months, expiring on January 17, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until April 17, 1962.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Clyde S. Gehr, 9511-B, No. A-1617 November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Clyde S. Gehr, convicted of forgery in the Court of Quarter Sessions of Dauphin County on November 26, 1951, computed from September 12, 1951 be commuted from 10 years to 7 years, 4 months, expiring on January 12, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until September 12, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.

(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Henry Graeber, 2222-A, No. A-456, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Henry Graeber, convicted of robbery, etc. in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on April 14, 1948, computed from March 5, 1948 be commuted from 15 years to 10 years, 10 months expiring on January 5, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until March 5, 1963.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of James Johnson, 1925-D, No. 6264, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of James Johnson, convicted of robbery together with other persons in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on March 3, 1938, computed from February 24, 1938, be commuted from 40 years to 20 years, 10 months, 10 days, expiring on January 4, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But

for this action the applicant, because of his sentence, would remain on parole until February 24, 1958.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Kubiak, 2454-C, No. A-1170, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of John Kubiak, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on September 12, 1947, computed from July 8, 1947, be commuted from 20 years to 11 years, 6 months, expiring on January 8, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until July 8, 1967.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Lonsinger, 5869-C, No. 7655, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommended that the maximum sentence of William Lonsinger, convicted of burglary; larceny; receiving stolen goods in the Court of Oyer and Terminer of Fayette County on March 26, 1943, be commuted from 20 years to 16 years, 9 months, 20 days, expiring on January 16, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until March 26, 1963.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Louis F. Mascaro, 5738-D, No. 9105, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the maximum sentence of Louis F. Mascaro, convicted of armed robbery in the Court of Oyer and Terminer and Quarter Sessions of Bucks County on May 8, 1945, computed from April 5, 1945, be commuted from 14 years to 13 years, 9 months, expiring on January 5, 1959; and further recommend that the maximum sentence of Louis F. Mascaro, convicted of armed robbery in the Court of Oyer and Terminer and Quarter Sessions of Montgomery County on June 15, 1945, computed from May 9, 1945, be commuted from 15 years to 13 years, 8 months, expiring on January 9, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board has favorably recommended this action to the Board of Pardons after receiving his record. But for this action the applicant, because of his sentence, would remain on parole until May 9, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.

(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Lewis Mayo, 6541-D, No. 9967, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Lewis Mayo, convicted of robbery, armed with offensive weapon in the Court of Oyer and Terminer and Quarter Sessions of Luzerne County on September 22, 1945 be commuted from 15 years to 13 years, 3 months, 20 days, expiring on January 12, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until September 22, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Andrew McCartney, 1238-C, No. 2155, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Andrew McCartney, convicted of robbery, etc., in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on March 13, 1939, computed from December 2, 1942 be commuted from 30 years to 16 years, 1 month, 10 days, expiring on January 12, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until December 2, 1972.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board

of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Robert R. Moten, C-1378, No. A-4822, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Robert R. Moten, convicted of armed robbery in the Court of Oyer and Terminer of Allegheny County on September 30, 1949, computed from August 1, 1949, be commuted from 10 years to 9 years, 5 months, 10 days, expiring January 11, 1959.

Our reasons for making this recommendation are as follows:

The applicant is 28 years of age. It appeared that he and an accomplice held up a tavern at gun point, later held up a pedestrian and a short time later held up a loan office.

The trial judge is deceased, and President Judge William H. McNaugher stated that he had no opinion on this case as he was unfamiliar with the facts. The District Attorney stated that he was opposed to commutation.

This applicant has been confined for over 9 years of his minimum sentence of 10 years, and, during the years in the Western State Penitentiary, he has conducted himself in a satisfactory manner. At present, he is one of the barbers in the institution. He attended school in prison and received a high school diploma in 1956. He is essentially a first offender, and the institutional staff reports that he has given indication of added maturity and stability.

The Board believes that this young man, having acquired an educational background and a trade, will be able to adjust himself readily upon release. The Board of Parole will investigate his home, sponsor and employment prior to his release.

The Board, therefore, recommends that the sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
NOT SITTING
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Luther Royston, B-6748, No. A-2560, September Session, 1958. (Recommended at the November 1958 Session).

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the life sentence of Luther Royston, convicted of murder in the first degree in the Court of Oyer and Terminer and Quarter Sessions of Westmoreland County on June 6, 1939, be commuted to a minimum term of 19 years, 7 months, 10 days expiring on January 16, 1959.

Our reasons for making this recommendation are as follows:

The applicant and two accomplices entered the store of the victim, and, when resistance was offered, slugged the victim over the head with a blackjack and shot him.

The Trial Judge is retired and the President Judge, Honorable John M. O'Connell, stated to the Parole Agent that he would rely on the Board. The District Attorney was opposed to commutation.

The prison staff reports that the applicant has made a good adjustment, is regarded as a good worker who minds his own business and causes no trouble. During his confinement, he has become literate.

The Board believes that this applicant, who has served nearly 20 years of a life sentence, has become stabilized and, if released to society, will not again violate the law. The Board, therefore, recommends this commutation be granted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Ben Russell, C-3560, No. A-3358, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Ben Russell, convicted of armed robbery in the Court of Oyer and Terminer of Allegheny County on October 22, 1954, be commuted from 5 years to 4½ years expiring on April 22, 1959.

Our reasons for making this recommendation are as follows:

The applicant is 36 years of age. He and two accomplices held up a gas station and a tavern at gun point and robbed the attendants.

The Trial Judge, Honorable Samuel A. Weiss, has written the Board that he recommend a commutation of the sentence. The District Attorney of Allegheny County expressed opposition to commutation. The prison staff states that this applicant has served over 4 years of his minimum sentence of 5 years, and is essentially a first offender. At present he is employed in the institution as a janitor, and his overall institutional record is excellent.

The Board is of the opinion that this young man is ready for release, and, under the sponsorship of Rev. Wilkinson, he will have the benefit of fine sponsorship and counsel. The Board received representations from Rev. Wilkinson that, following many interviews with this applicant in the penitentiary, he was confident that the applicant would prove to be a law-abiding citizen upon release.

The Board, therefore, recommends that the sentence be commuted, to expire when he has served 4½ years.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
NOT SITTING
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Nicholas Schiazza, 4175-C, No. A-1627, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Nicholas Schiazza, convicted of burglary in the Court of Oyer and Terminer of Philadelphia County on September 4, 1947, computed from July 17, 1947, be commuted from 30 years to 11 years, 6 months, expiring on January 17, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until July 17, 1977.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of William Sheed, 3519-D, No. 7723, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of William Sheed, convicted of assault being armed to rob, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on December 9, 1941, computed from November 28, 1941, be commuted from 20 years to 17 years, 1 month, 20 days, expiring on January 18, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the

applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until November 28, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,
 (Sgd) ROY E. FURMAN,
 Lieutenant-Governor.
 (Sgd) JOHN S. RICE,
 Secretary of the Commonwealth.
 (Sgd) THOMAS D. McBRIDE,
 Attorney General.
 (Sgd) GENEVIEVE BLATT,
 Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
 Governor.

BOARD OF PARDONS

In re application of Luther Smith, 6751-B, No. A-4836, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Luther Smith, convicted of burglary and attempted larceny, in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on May 4, 1950, computed from April 16, 1950, be commuted from 10 years to 8 years, 9 months, expiring on January 16, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until April 16, 1960.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,
 (Sgd) ROY E. FURMAN,
 Lieutenant-Governor.
 (Sgd) JOHN S. RICE,
 Secretary of the Commonwealth.
 (Sgd) THOMAS D. McBRIDE,
 Attorney General.
 (Sgd) GENEVIEVE BLATT,
 Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
 Governor.

BOARD OF PARDONS

In re application of Grant Stewart, D-9225, No. A-4865, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due

public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Grant Stewart, convicted of burglary, assault and battery, aggravated assault and battery, assault and battery with intent to kill; breaking prison, in the Court of Oyer and Terminer of Northumberland County on November 8, 1946, computed from November 2, 1946, be commuted from 18 years to 12 years, 2 months, expiring January 12, 1959.

Our reasons for making this recommendation are as follows:

The applicant, who is 30 years of age, plead guilty to four indictments of burglary involving a jewelry store, department store, a hotel and a dairy. He escaped from the Northumberland County Jail inflicting some head injuries upon a prison guard who attempted to prevent his escape. He was sentenced to a term of 18 to 36 years in the Eastern State Penitentiary.

The District Attorney of Northumberland County stated to the Parole Agent that he was not opposed to a commutation of the sentence. Likewise, the Trial Judge, Honorable Robert M. Fortney, stated to the Parole Agent that he was not opposed to a commutation. The penitentiary staff reports that this applicant, who has served 12 years of his 18 years minimum sentence, has shown a marked improvement in attitude and adjustment. He has benefited from the rehabilitation program in the institution and it is believed by the staff that he will make an adequate adjustment if released. At present, he is a Runner in the office of the Director of Treatment, and this is a job involving responsibility which he has carried out in a highly satisfactory manner.

This young man, who has spent so many years in the penitentiary, has demonstrated that he has really improved in ability and personality as a result of the program in the institution. The Board believes that he will be another fine example of the training that our institutions are affording prisoners, who are willing to accept the benefits of the training.

The Board, therefore, recommends that the sentence be commuted.

Respectfully submitted,
 (Sgd) ROY E. FURMAN,
 Lieutenant-Governor.
 (Sgd) JOHN S. RICE,
 Secretary of the Commonwealth.
 (Sgd) THOMAS D. McBRIDE,
 Attorney General.
 (Sgd) GENEVIEVE BLATT—Dissents
 Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
 Governor.

BOARD OF PARDONS

In re application of Ollie Strickland, C-1518, No. A-3055, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of Ollie Strickland, convicted of murder in the second degree, in the Court of Oyer and Terminer of Allegheny County on February 21, 1950, computed from November 4, 1949, be commuted from 10 years to 9 years, 2 months, 20 days expiring January 24, 1959.

Our reasons for making this recommendation are as follows:

The applicant, who is 46 years of age, fatally stabbed his wife after an extended argument in which the wife refused to return to the applicant's home in Georgia. He plead guilty and has been confined for over 9 years of his minimum sentence of 10 years.

The Trial Judge, Honorable J. Frank Graff, did not express an opinion as to the merits of this case. The Dis-

trict Attorney's office was opposed, and stated that the applicant should serve his entire minimum sentence. The penitentiary staff states that this applicant has compiled an excellent record both at the Western State Penitentiary and at the State Penitentiary at Rockview, and it is the opinion of the majority of the staff in both institutions that he could be released and never become a social problem.

The Chief Parole Officer, R. C. Wieseckel, expressed to the Board his opinion as to the rehabilitation of this applicant and recommended favorable consideration. The applicant had an excellent record and is at present a house man for the Warden at Rockview, which is a position of trust and responsibility.

The Board believes that this applicant, who has served over 9 years of his 10 year minimum sentence, can safely be released to society and, therefore, recommends that this sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
NOT SITTING
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Charles Tate, 5465-D, No. 7985, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Charles Tate, convicted of robbery in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on January 8, 1940, computed from December 29, 1939, be commuted from 40 years to 19 years, 20 days, expiring on January 19, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until December 29, 1979.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Nathaniel Warner, 8209-A, No. 9441, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Nathaniel Warner, convicted of murder in the second degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on January 28, 1942, computed from September 10, 1941, be commuted from 20 years to 17 years, 4 months, expiring on January 10, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until September 10, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Carlos Wilson, C-2508, No. A-3757, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommend that the minimum sentence of John Carlos Wilson, convicted of burglary and larceny of Beaver County on February 25, 1952, computed from February 9, 1952, be commuted from 9 years to 6 years, 11 months, 10 days, expiring January 19, 1959.

Our reasons for making this recommendation are as follows:

The applicant, who is 25 years of age, was involved with accomplices in over eleven burglaries in Beaver County. They robbed stores, schools, clubs, taverns and other business establishments, and the applicant was alleged to have been the leader. His accomplices have all been released, having received sentences of a minor nature.

The Trial Judge, Honorable Morgan H. Sohn, did not reply to our inquiry, nor did District Attorney Stewart. However, in 1957 when this applicant applied for a commutation, both Judge Sohn and District Attorney Stewart indicated that they were not opposed to a commutation. The penitentiary staff stated that the applicant has an excellent disciplinary record and at present is employed in the Tag Plant of the institution as a clerk. He has served nearly 7 years of his 9 year minimum sentence, and the staff reports that he is an affable youth without hostile

tendencies. The Board of Parole will investigate his home, sponsor and place of employment before releasing him.

The Board is recommending the release of this young man, who has served over three-fourths of his minimum sentence, believing that he will conduct himself as a law-abiding citizen and prove worthy of the confidence which the Board and his family have reposed in him.

The Board, therefore, recommends that this sentence be commuted.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
NOT SITTING
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of Robert Winstead, 4184-C, No. 9101, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members of the Board of Pardons recommended that the maximum sentence of Robert Winstead, convicted of murder in the second degree in the Court of Oyer and Terminer and Quarter Sessions of Philadelphia County on December 30, 1941, computed from October 15, 1941, be commuted from 20 years to 17 years, 3 months, expiring on January 15, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until October 15, 1961.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

BOARD OF PARDONS

In re application of John Wothers, 8383-D, No. A-1517, November Session, 1958.

To His Excellency, the Governor of the Commonwealth of Pennsylvania:

Sir: The above application having been heard, upon due public notice, in open session, the undersigned members

of the Board of Pardons recommended that the maximum sentence of John Wothers, convicted of burglary in the Court of Oyer and Terminer and Quarter Sessions of Cumberland County on February 11, 1939, computed from February 7, 1939, be commuted from 50 years to 19 years, 11 months, 10 days, expiring on January 17, 1959.

Our reasons for making this recommendation are as follows:

The Board of Parole has received a request from the applicant to be relieved of further parole supervision on the basis of his adjustment and progress on parole. The Board of Parole has favorably recommended this action to the Board of Pardons after reviewing his record. But for this action the applicant, because of his sentence, would remain on parole until February 7, 1989.

For the reason that this applicant has served a long time on parole, and the further reason, that the Board of Parole recommends him for release, the Board of Pardons recommends to your Excellency that the term of the maximum sentence of the applicant be commuted and that he be freed from further parole supervision.

Respectfully submitted,

(Sgd) ROY E. FURMAN,
Lieutenant-Governor.
(Sgd) JOHN S. RICE,
Secretary of the Commonwealth.
(Sgd) THOMAS D. McBRIDE,
Attorney General.
(Sgd) GENEVIEVE BLATT,
Secretary of Internal Affairs.

The above recommendation is approved:

(Sgd) GEORGE M. LEADER,
Governor.

CITY OF PHILADELPHIA

BOARD OF DIRECTORS OF CITY TRUSTS

W. Henry Gillam, Jr., General Manager
Blackwell Newhall, Assistant General Manager

June 21, 1957

To the Chief Clerk of the Pennsylvania House of Representatives, Harrisburg, Pennsylvania.

Dear Sir:

As specifically provided in Clause XXIV, Item 3, of the Will of the late Stephen Girard, the Board of Directors of City Trusts acting for the City of Philadelphia renders herewith to the Legislature of the Commonwealth of Pennsylvania, a detailed account for the year 1956 of the Estate devised to the City of Philadelphia, in trust, and the investment and application of the same, and a report in like manner of the state of Girard College, a duplicate copy of which has been rendered to the Senate of Pennsylvania.

Very respectfully yours,

by. W. H. GILLIAM, Jr.,
enc. General Manager.

June 21, 1957

To the General Assembly of the Commonwealth of Pennsylvania.

Gentlemen:

In accordance with Clause XXIV, Item 3, of the Will of Stephen Girard, the City of Philadelphia, acting by the Board of Directors of City Trusts, herewith submits a detailed account concerning the devised and bequeathed estate of Stephen Girard, deceased, with the investments

and application of the same, together with a report of the state of Girard College, for the year 1956.

The principal of the Residuary Fund for the maintenance of Girard College amounted on December 31, 1956 to \$71,283,541.51, exclusive of the value of real estate devised and still held, or \$277,878.49 more than at the end of the year 1955.

The total ordinary expenditures for the support and maintenance of Girard College amounted to \$2,071,827.00, or \$15,348.71 more than for the year 1955. The average number of students maintained was 1,034 and the cost of maintenance per capita \$2,003.70, or \$123.92 more than for the year 1955.

Total student enrollment, January 1, 1956 ..	1,053	
Students admitted during the year	83	1,136
Indentures cancelled	94	
Students leaving at eighteen years of age	24	
In residence but not accepted	1	
Expelled	4	123
Total student enrollment, December 31, 1956	1,013	

The year 1956 was unmarked by notable change in program or physical plant. There was continued evidence of a major trend toward post-Girard College academic education at a variety of institutions of learning. Not only did over forty-one per cent of the senior class go on to college, but a very large number of scholastic record transcripts were filled out for graduates of earlier years who were seeking admission to advanced training opportunities.

A desirable new curriculum to provide for slower students has been added. It was introduced in the eleventh and twelfth grades and will be extended downward as the committee which designed it proceeds with its work. Speech and dramatics activities were again of high quality. For the second successive year the independent schools division of the "I Speak for Democracy" contest, sponsored by the Junior Chamber of Commerce of Philadelphia, was won by a Girardian. Six boys also qualified for the finals of the National Merit Scholarship Examinations.

Mr. Thomas J. Corrigan, Psychologist, resigned, and his place was taken by Mr. Kenneth F. Schrepfer, who has already exerted a positive influence on the guidance program. A new all-purpose pamphlet was made available for distribution to mothers, guardians and others interested in the Girard College program, and work on a new College catalogue was also begun.

Physical improvements continued to be chiefly of a maintenance nature. A new dishwashing machine was installed in the Dining and Service Building. The very considerable job of renewing the cable for the campus lighting system was completed. Two dormitories and the laundry were entirely rewired to handle an increased power load. A section of Lafayette Hall was renovated for the Student Center, which was moved there in September. The improvement of staff quarters was continued by the remodeling of several rooms and the enlargement of an apartment. A small building to house the motorized equipment of the Buildings and Grounds Department was constructed at the west end of the

campus. Asphalt tile was laid in sections of four buildings, three of them dormitories.

An examination of files long stored in the upper reaches of Founder's Hall led to the rediscovery of almost all of the competitive architectural drawings for the original construction of Girard College. They are the work of the greatest architects of their day, including Thomas U. Walter, William Strickland and John Haviland, and were submitted for the competition of 1832 initiated by the Select and Common Councils of Philadelphia to bring into being the school endowed by Stephen Girard. Since this competition was perhaps the great architectural event of the century, these drawings have much historical value and will be placed under a long term loan to the Historical Society of Pennsylvania for study and safe-keeping.

Dr. Cheesman A. Herrick, fifth president of Girard College, died on February 27th. It was during his administration that the greatest advances in enrollment and physical expansion in the history of the school were achieved. He was the author of the excellent History of Girard College and many other volumes. On January 16th Dr. D. Montfort Melchior, retired Principal of the High School, passed away. He had contributed greatly to the lives of many alumni. Both Dr. Herrick and Dr. Melchior were men of outstanding character and valuable community servants.

Four teachers with long terms of superior service retired; Miss Louise G. Sigmund, forty-four years; Dr. Morris Wolf, forty-one years; Mr. Linford H. Moyer, forty-two years; and Dr. Harry C. Banks, Jr., thirty-eight years. Mr. George O. Davis, faithful assistant engineer for twenty-four years, was also retired.

The receipts from the property of the Girard Estate Within the City of Philadelphia were as follows:

	Gross	Net
For the year 1956	\$1,521,474.71	\$269,895.30

The transactions for the year 1956 from the property of the Girard Estate Without the City of Philadelphia were as follows:

Gross receipts	\$506,106.91
Taxes and other expenses	245,487.69
	<u>\$260,619.22</u>
Extraordinary expenditures	56,444.85
Net receipts	<u>\$204,174.37</u>

The amount invested on December 31, 1956 in bonds, preferred and common stocks, and mortgages for the Residuary Fund totaled \$62,373,431.67, or \$152,407.96 less than in 1955, and the income therefrom amounted to \$2,035,516.57.

The Fire Insurance Fund has assets amounting to \$344,411.59. The risks being carried amount to \$626,717, of which \$76,400 has been re-insured. The fund suffered losses amounting to \$85.30 during the year 1956.

From the Fund for the Improvement of the Eastern Front of the City, the expense of lighting the district lying between Vine and South Streets, Front Street and the Delaware River, together with minor items incident thereto, has been paid in the amount of \$3,317.16.

The shipment of coal from the Girard Estate during the year 1956 was 813,893.65 gross tons, an increase as compared with 1955 of 133,333 gross tons, or 19.59%. The shipment was made up as follows:

Shipped to market—Fresh mined	772,738.65
Bank coal	41,155.00
	<u>813,893.65</u>

The total shipment from the region for the year 1956 as reported by the Pennsylvania Department of Mines was 25,156,811 gross tons, an increase of 2,722,561 gross tons, or 12.14% as compared with 22,434,250 gross tons for 1955. The Girard Estate's proportion of the regional shipments was 3.23% as compared with 3.03% in 1955.

During the ninety-four years of active mining on the Girard Estate, there have been marketed from it 142,489,879.95 tons.

The coal leases at the end of the year were seventeen in number, the same as at the end of 1955.

Under the provisions of Clause IV of the Will, the sum of \$217.22 was expended in the purchase of books for schools in the first section of the first school district of Pennsylvania.

The sum of \$113.20 was expended in the purchase and distribution of fuel (coal) in accordance with the provisions of Clause V of the Will.

On behalf of the Board of Directors of the City Trusts.

John Orimand,
President.

GIRARD ESTATE
RESIDUARY FUND FOR THE MAINTENANCE OF GIRARD COLLEGE
PRINCIPAL ACCOUNTS
FOR THE YEAR ENDED DECEMBER 31, 1956

PERSONAL ESTATE

Balance, January 1 and December 31, 1956, excluding balance in the gain and loss account	\$43,495,246.66
Add balance in gain and loss account, December 31, 1956, as shown on page A-4, temporarily included in principal	4,416,792.75

Balance, December 31, 1956, including balance in gain and loss account, composed as shown on page A-2 ..	<u>\$47,912,039.41</u>
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REAL ESTATE

Balance, January 1, 1956	\$22,962,459.67
Increases:	
Real estate without the City:	
Net rents and royalties from collieries	\$335,110.49
Release of amounts set aside for permanent improvements due to modification of leases	91,767.92
Return of amount advanced to lessee for extinguishment of fire—East Bear Ridge	113,118.38
Sale of land	124,041.75
Other receipts	46,954.67
	<u>710,993.21</u>
Forward	\$23,673,452.88
Decreases:	
Real estate without the City:	
Taxes and other expenses	\$245,487.69
Maintenance of collieries, etc.	56,444.85
	<u>\$301,932.54</u>
Real estate within the City:	
Net expense in connection with sales of real estate	18.24
	<u>301,950.78</u>
Balance, December 31, 1956, composed as shown on page A-3	<u>\$23,371,502.10</u>

COMPOSITION OF BALANCES OF PRINCIPAL OF PERSONAL ESTATE AND OF REAL ESTATE, DECEMBER 31, 1956

PERSONAL ESTATE

Bonds, at cost less required amortization of premiums:	
United States Government	\$19,021,310.91
Corporate	27,672,067.64

Cumulative preferred stocks, at cost	4,960,383.43
Common stocks, at cost	5,552,030.29
Bonds and mortgages on real estate, at cost	5,167,639.40
Real estate acquired by foreclosure proceedings, at cost	3,721,529.22
Advanced to income account for improvements to buildings	3,000,000.00
Cash in bank	265,894.40

	<u>\$69,360,855.29</u>
Less advanced from principal of real estate for investment	21,448,815.88

Balance of principal of personal estate	<u>*\$47,912,039.41</u>
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* Includes \$4,416,792.75 balance in gain and loss account.

REAL ESTATE

Coal lands and other lands in Schuylkill and Columbia counties, acquired since January 1, 1928, at cost	\$ 87,999.50
Improvements to real estate in Philadelphia (paid from principal), at cost, less \$2,214,017.02 provision for obsolescence*	1,825,186.72
Mining Engineer's working fund	11,000.00
Advanced to principal of personal estate for investment	21,448,815.88

	<u>\$23,373,002.10</u>
Less amount held in escrow for drainage rental	1,500.00

Balance of principal of real estate	<u>\$23,371,502.10</u>
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* Exclusive of \$861,733.75 estimated obsolescence for which provision has been deferred.

GAIN AND LOSS ACCOUNT

Balance, January 1, 1956	\$4,547,956.69
Increase:	
Gains on sales of stocks	1,615.35

	<u>\$4,549,572.04</u>
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Decreases:	
Losses on sales and redemptions of bonds	\$36,107.21
Losses on sales of real estate acquired by foreclosure proceedings, net of gains	96,672.08
	<u>132,779.29</u>

Balance, December 31, 1956, included in balance of principal of Personal Estate (page A-1)	<u>\$4,416,792.75</u>
--	-----------------------

Note: The gains and losses on investments are required by the Court to be carried in a running gain and loss account; if, at the end of any year there is a balance in the account, it is temporarily added to principal; if a deficit, it is temporarily reimbursed from income.

INCOME ACCOUNT

FOR THE YEAR ENDED DECEMBER 31, 1956

Income from securities:	
Interest on bonds	\$1,279,032.28
Dividends on stocks	505,851.44
Income from mortgages	250,632.85
	<u>\$2,035,516.57</u>

Rents, etc., received from real estate within the City	\$1,521,474.71
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Less:	
Taxes	\$480,337.32
Salaries and wages	128,626.62
Real estate administration	61,914.00
Repairs	150,278.97
Fuel, electricity and steam	93,579.79
Other expenses	110,805.35
Depreciation of improvements to real estate set aside in reserve for obsolescence	38,413.56
Amortization of improvements to buildings and for tenants	187,623.80
	<u>1,251,579.41</u>
	<u>\$269,895.30</u>

	<u>\$2,305,411.87</u>
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Less:	
Administration and general expenses	342,654.39

Transferred to Distribution Account	<u>\$1,962,757.48</u>
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DISTRIBUTION ACCOUNT

Balance of income undistributed, January 1, 1956	\$1,745,838.05
Transferred from income account	1,962,757.48
	<u>\$3,708,595.53</u>

Distribution to Girard College:	
For support and maintenance:	
Household	\$1,237,368.08
Instruction	687,695.42
Admissions and student relations ..	36,182.10
Social security taxes	26,607.40
Retirement Fund payment	83,974.00
Extraordinary repairs and replacements	71,904.30
	<u>\$2,143,731.30</u>

Less sale of waste material, etc.	4,648.79
	<u>2,139,082.51</u>

Balance of income undistributed, December 31, 1956, composed as shown on page A-7	<u>\$1,569,513.02</u>
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COMPOSITION OF BALANCE OF INCOME UNDISTRIBUTED

DECEMBER 31, 1956

Cash in bank	*\$ 131,489.53	
Improvements to buildings:		
Stephen Girard Building, less \$216,270.99		
amortization	\$1,225,535.78	
1100-42 Market Street (Snellenburg's) ..	3,500,000.00	
1425 Chestnut Street	92,872.37	4,818,408.15
Improvements for tenants, at cost less		
\$1,240,725.92 amortization		259,615.34
General Manager's working fund	\$ 185,000.00	
Accounts Payable revolving fund	175,000.00	360,000.00
		\$5,569,513.02
Less:		
Advanced from principal of personal		
estate	\$3,000,000.00	
Amount set aside as General Income		
Reserve	1,000,000.00	4,000,000.00
Balance of income undistributed		<u>\$1,569,513.02</u>

* In addition to this cash balance, the Board holds in escrow in a separate bank account \$10,966.78 for payment of taxes, insurance, etc., representing funds collected from owners of properties on which the Board holds mortgages belonging to this fund.

GIRARD ESTATE, FIRE INSURANCE FUND

CREATED IN 1892 FROM RESIDUARY FUND INCOME TO CARRY A SELECTED PORTION OF THE FIRE RISKS OF THE GIRARD ESTATE ACCOUNTS FOR THE YEAR ENDED DECEMBER 31, 1956

Balance, January 1, 1956	\$335,701.16	
Increases:		
Income from invested funds	\$ 8,594.65	
Annual insurance premiums received	1,260.48	9,855.13
		\$345,556.29
Decreases:		
Administration expenses	\$ 1,059.40	
Losses paid on automobile insurance	85.30	1,144.70
Balance, December 31, 1956		<u>\$344,411.59</u>
Balance, December 31, 1956, composed as follows:		
Bonds, at cost less required amortization of premiums:		
\$163,500 United States Treasury		
2 1/4's, due 6/15/62-59	\$166,148.07	
83,500 United States Treasury		
2 1/2's due 6/15/69-64	83,575.45	
55,500 United States Treasury		
2 1/2's, due 12/15/69-64	55,501.98	
Common stocks, at cost:		
100 shs. Girard Trust Corn Exchange Bank	7,025.00	
140 shs. Insurance Company of North		
America	12,959.05	
400 shs. Philadelphia Electric Company ..	12,561.54	
Deposits on perpetual insurance policies ..	1,934.00	
Cash in bank	4,706.50	
		<u>\$344,411.59</u>

GIRARD ESTATE

FUND FOR THE IMPROVEMENT OF THE DELAWARE FRONT OF THE CITY, REMOVAL OF WOODEN BUILDINGS, ETC.
(Delaware Avenue Fund)

PRINCIPAL ACCOUNT

FOR THE YEAR ENDED DECEMBER 31, 1956

Balance, January 1 and December 31, 1956	\$500,000.00	
Balance, December 31, 1956, composed as follows:		
Bonds, at cost less required amortization of premiums:		
United States Government (Par value		
\$238,000)	\$238,088.70	
Corporate (Par value \$25,000)	25,644.47	
Cumulative preferred stocks, at cost	19,902.49	
Common stocks, at cost	3,431.80	
Real estate acquired by foreclosure pro-		
ceedings, at cost	212,073.94	
	\$499,141.40	
Cash in bank	858.60	
		<u>\$500,000.00</u>

GAIN AND LOSS ACCOUNT

FOR THE YEAR ENDED DECEMBER 31, 1956

Deficit, January 1 and December 31, 1956	\$391.35
Temporary reimbursement of deficit from income	391.35

GIRARD ESTATE

FUND FOR THE IMPROVEMENT OF THE DELAWARE FRONT OF THE CITY, REMOVAL OF WOODEN BUILDINGS, ETC.

Continued
(Delaware Avenue Fund)

INCOME ACCOUNT

FOR THE YEAR ENDED DECEMBER 31, 1956

Income from investments:		
Interest on bonds	\$ 6,607.50	
Dividends on stocks	978.04	
Rents from real estate	22,060.87	
	\$29,646.41	
Salvage value of abandoned cables	15,150.00	
Other income	18.00	
		\$44,814.41
Less:		
Real estate expenses	\$21,306.25	
Administration expenses	1,722.73	23,028.98
Net income for the year		<u>\$21,785.43</u>

DISTRIBUTION ACCOUNT

FOR THE YEAR ENDED DECEMBER 31, 1956

Balance of income undistributed, January 1, 1956, net of \$391.35, temporary reimbursement of the deficit in the gain and loss account as shown on page A-9 ..	\$10,875.12
Net income for the year, as above	21,785.43
	<u>\$32,660.55</u>
Expenses of lighting, etc., on the Delaware Front of the City	3,317.16
Balance of income undistributed, December 31, 1956, cash in bank	<u>\$29,343.39</u>

STEPHEN GIRARD SCHOOL FUND

"For the use of the schools upon the Lancaster system, in the first section of the first school district of Pennsylvania."

ACCOUNTS FOR THE YEAR ENDED DECEMBER 31, 1956

PRINCIPAL ACCOUNT

Balance, January 1 and December 31, 1956	\$12,277.97
Balance, December 31, 1956, composed as follows:	
1,227 units, Collective Legal Investment	
Fund, at cost	\$12,270.00
Cash in bank	7.97
	<u>\$12,277.97</u>

INCOME ACCOUNT

Income from invested funds	\$416.53
Less administration expenses	40.68
Net income for the year	<u>\$375.85</u>

DISTRIBUTION ACCOUNT

Balance of income undistributed, January 1, 1956	\$398.08
Net income for the year, as above	375.85
	<u>\$773.93</u>
Supplies for public schools	217.22
Balance of income undistributed, December 31, 1956, cash in bank	<u>\$556.71</u>

STEPHEN GIRARD FUEL FUND

Income "to purchase fuel between the months of March and August in every year forever, and in the month of January in every year forever distribute the same amongst poor white house-keepers and roomkeepers of good character, residing in the (old) city of Philadelphia."

ACCOUNTS FOR THE YEAR ENDED DECEMBER 31, 1956

PRINCIPAL ACCOUNT

Balance, January 1 and December 31, 1956	\$10,207.47
Balance, December 31, 1956, composed as follows:	
1,018 units, Collective Legal Investment	
Fund, at cost	\$10,200.77
Cash in bank	6.70
	<u>\$10,207.47</u>

INCOME ACCOUNT	
Income from invested funds	\$ 345.59
Less administration expenses	36.24
Net income for the year	<u>\$ 309.35</u>
DISTRIBUTION ACCOUNT	
Balance of income undistributed, January 1, 1956	\$1,257.28
Net income for the year, as above	309.35
	<u>\$1,566.63</u>
Fuel distributed to the poor	113.20
Balance of income undistributed, December 31, 1956, cash in bank	<u>\$1,453.43</u>

CITY OF PHILADELPHIA

BOARD OF DIRECTORS OF CITY TRUSTS

W. Henry Gillam, Jr., General Manager
 Blackwell Newhall, Assistant General Manager
 Stephen Girard Building, 21 South Twelfth Street
 Philadelphia 7, Pa., LOcust 8-0440

July 18, 1958

To the Chief Clerk of the Pennsylvania House of Representatives

Harrisburg, Pennsylvania.

Dear Sir;

As specifically provided in Clause XXIV, Item 3, of the Will of the late Stephen Girard, the Board of Directors of City Trusts acting for the City of Philadelphia renders herewith to the Legislature of the Commonwealth of Pennsylvania, a detailed account for the year 1957 of the Estate devised to the City of Philadelphia, in trust, and the investment and application of the same, and a report in like manner of the state of Girard College, a duplicate copy of which has been rendered to the Senate of Pennsylvania.

Very respectfully yours,

W. H. GILLAM, JR.
 General Manager.

by.
 enc,

July 18, 1958.

To the General Assembly of the Commonwealth of Pennsylvania

Gentlemen;

In accordance with Clause XXIV, Item 3, of the Will of Stephen Girard, the City of Philadelphia, acting by the Board of Directors of City Trusts, herewith submits a detailed account concerning the devised and bequeathed estate of Stephen Girard, deceased, with the investments and application of the same, together with a report of the state of Girard College, for the year 1957.

The principal of the Residuary Fund for the maintenance of Girard College amounted on December 31, 1957 to \$72,008,515.69, exclusive of the value of real estate devised and still held, or \$724,974.18 more than at the end of the year 1956.

The total ordinary expenditures for the support and maintenance of Girard College amounted to \$2,149,491.85, or \$77,664.85 more than for the year 1956. The average number of students maintained was 999 and the cost of maintenance per capita \$2,151.64, or \$147.94 more than for the year 1956.

Total student enrollment, January 1, 1957	1,013
Students admitted during the year	70
	<u>1,083</u>
Indentures cancelled	86
Students leaving at eighteen years of age	43
Expelled	1
	<u>130</u>
Total student enrollment, December 31, 1957	<u>953</u>

The death of President E. Newbold Cooper on August 4 was a severe blow to the College. Appointed the seventh President of Girard College on May 1, 1955, his two years of service in this position were marked by constructive leadership. Dr. Cooper came to Girard in 1932 as Supervising Principal of the Elementary Schools and in 1949 was appointed Vice-President. Pending the selection of a successor, the Vice-President, Mr. Karl R. Friedmann, has been authorized to carry on the duties of the office. In November Dr. Raymond I. Haskell, Head of the Department of English was appointed Acting Director of Secondary Education.

No major changes in program have been made during the year. The curriculum for slower students introduced in 1956 in the eleventh and twelfth grades was extended downward into the tenth grade. Extra-class activities, particularly the Student Councils, Social Program, Student Center, and athletics, operated satisfactorily with broad student participation.

The trend toward immediate entrance into institutions of higher learning continued; for the first time in Girard history more than fifty per cent of a June graduating class matriculated at colleges in September. As usual, a large number of graduates of earlier years returned to education on the college or university level. The grades of the former students whose college records are known are exceptionally high.

Significant physical improvements include the installation of additional fire-escape facilities in five dormitories and in the Infirmary. The first floor living rooms in Allen Hall were converted to dormitories, thus permitting the entire senior class to be housed in that building. Fluorescent lighting was installed in two dormitories, and new curtains and draperies were purchased for student living rooms in all upper halls. Staff accommodations were improved by the enlargement of one apartment, the modernization of several bathrooms, and the conversion of a large room on the first floor of Lafayette Hall into a Faculty Lounge. Athletic activities benefited from the construction of additional locker-room and shower facilities in the basement of the Armory. The High School Auditorium was improved by the replacement of the public address system amplifier and by a new stage curtain. In the maintenance and operations area a new five-ton dump truck was purchased, and the elevator in the Dining and Service Building was changed from manual to automatic operation.

Five staff members with long terms of service retired: Miss Hazel Erchinger, Head Librarian, twenty-eight and a half years; Miss Loretta McCormick, Teacher in the Elementary Schools, forty-two and a half years; Dr. George R. Dulebohn, Senior Housemaster of Mariner Hall, twenty-eight years; Dr. John M. Presson, Head of the Science Department, thirty-four years; and Mr. John H.

Smith, Assistant to the Business Manager, forty-five and a half years.

The amount invested on December 31, 1957 in bonds, preferred and common stocks and mortgages for the Residuary Fund totaled \$63,358,433.11, or \$985,001.44 more than in 1956, and the income therefrom amounted to \$2,082,560.15.

The receipts from the property of the Girard Estate Within the City of Philadelphia were as follows:

	Gross	Net
For the year 1957	\$1,454,881.36	\$250,206.01

The transactions for the year 1957 from the property of the Girard Estate Without the City of Philadelphia were as follows:

Gross receipts	\$467,888.35
Taxes and other expenses	173,381.49
	<u>\$294,506.86</u>
Extraordinary expenditures	35,653.29
	<u>\$258,853.57</u>
Net receipts	<u>\$258,853.57</u>

The shipment of coal from the Girard Estate during the year 1957 was 933,217.20 gross tons, an increase as compared with 1956 of 119,323.11 gross tons, or 14.66%. The shipment was made up as follows:

	Tons
Shipped to market—Fresh mined	925,870.80
Bank coal	7,346.40
	<u>933,217.20</u>

The total shipment from the region for the year 1957 as reported by the Pennsylvania Department of Mines was 22,467,377 gross tons, a decrease of 2,689,434 gross tons, or 10.7% as compared with 25,156,811 gross tons for 1956. The Girard Estate's proportion of the regional shipments was 4.18% as compared with 3.23% in 1956.

During the ninety-five years of active mining on the Girard Estate, there have been marketed from it 143,-423,097.15 tons.

The coal leases at the end of the year were sixteen in number, one less than at the end of 1956.

The Fire Insurance Fund has assets amounting to \$353,-438.88. The risks being carried amount to \$591,316, of which \$103,000 has been re-insured. The fund suffered no losses during the year 1957.

From the Fund for the Improvement of the Eastern Front of the City, the sum of \$6,611.57 was expended for lighting the district lying between Vine and South Streets, Front Street and the Delaware River.

Under the provisions of Clause IV of the Will, the sum of \$193.08 was expended in the purchase of supplies for schools in the first section of the first school district of Pennsylvania.

The sum of \$451.20 was expended in the purchase and distribution of fuel (coal) in accordance with the provisions of Clause V. of the Will.

On behalf of the Board of Directors of City Trusts

John Orimand
President.

GIRARD ESTATE
RESIDUARY FUND FOR THE MAINTENANCE OF
GIRARD COLLEGE
PRINCIPAL ACCOUNTS
FOR THE YEAR ENDED DECEMBER 31, 1957

PERSONAL ESTATE

Balance, January 1 and December 31, 1957, excluding balance in the gain and loss account	\$43,495,246.66
Add balance in gain and loss account, December 31, 1957, as shown on page A-4, temporarily included in principal	4,421,247.26
Balance, December 31, 1957, including balance in gain and loss account, composed as shown on page A-2 ..	<u>\$47,916,493.92</u>

REAL ESTATE

Balance, January 1, 1957	\$23,371,502.10
Increases:	
Real estate without the City:	
Net rents and royalties from collieries	\$403,920.68
Sale of land	22,773.75
Other receipts	41,193.92
	<u>467,888.35</u>
Real estate within the City:	
Consideration received from sale of land and improvements in South Philadelphia	\$509,413.50
Less portion of consideration applicable to improvements	47,747.40
	<u>461,666.10</u>
Forward	<u>\$24,301,056.55</u>
Portion of consideration applicable to improvements	\$47,747.40
Cost of improvements	13,637.50
Gain transferred to gain and loss account	<u>\$34,109.90</u>

Decreases:

Real estate without the City:	
Taxes and other expenses	\$173,381.49
Maintenance of colliery, etc.	35,653.29
	<u>209,034.78</u>
Balance, December 31, 1957, composed as shown on page A-3	<u>\$24,092,021.77</u>

COMPOSITION OF BALANCES OF PRINCIPAL OF PERSONAL ESTATE AND OF REAL ESTATE, DECEMBER 31, 1957

Bonds, at cost less required amortization of premiums:	
United States Government	\$19,275,061.15
Corporate	28,066,887.07
Cumulative preferred stocks, at cost	4,960,383.43
Common stocks, at cost	5,811,943.12
Bonds and mortgages on real estate, at cost	5,244,158.34
Real estate acquired by foreclosure proceedings, at cost	3,599,590.38
Advanced income account for improvements to buildings	3,000,000.00
Cash in bank	<u>178,573.04</u>
	<u>\$70,136,596.53</u>
Less advanced from principal of real estate for investment	22,220,102.61
Balance of principal of personal estate	<u>*\$47,916,493.92</u>

*Includes \$4,421,247.26 balance in gain and loss account.

REAL ESTATE

Coal lands and other lands in Schuylkill and Columbia counties, acquired since January 1, 1928, at cost ...	\$ 87,999.50
Improvements to real estate in Philadelphia (paid from principal), at cost, less \$2,251,346.58 provision for obsolescence*	1,774,219.66
Mining Engineer's working fund	11,000.00
Advanced to principal of personal estate for investment	<u>22,220,102.61</u>
	<u>\$24,093,321.77</u>
Less amount held in escrow for drainage rental	1,300.00
Balance of principal of real estate	<u>\$24,092,021.77</u>
*Exclusive of \$855,767.30 estimated obsolescence for which provision has been deferred.	

GAIN AND LOSS ACCOUNT

Balance, January 1, 1957	\$4,416,792.75
Increases:	
Gains on sales of stocks, net of losses	\$33,239.90
Gain on sale of improvements in South Philadelphia	34,109.90
	<u>67,349.80</u>
	<u>\$4,484,142.55</u>

Decreases:

Losses on sales and redemptions of bonds	\$29,814.81	
Losses on sales of real estate acquired by foreclosure proceedings, net of gains	33,080.48	62,895.29

Balance, December 31, 1957, included in balance of principal of Personal Estate (page A-1) \$4,421,247.26

Note: The gains and losses on investments are required by the Court to be carried in a running gain and loss account; if, at the end of any year there is a balance in the account, it is temporarily added to principal; if a deficit, it is temporarily reimbursed from income.

INCOME ACCOUNT

FOR THE YEAR ENDED DECEMBER 31, 1957

Income from securities:			
Interest on bonds	\$1,295,180.16		
Dividends on stocks	534,561.32		
Income from mortgages	252,818.67	\$2,082,560.15	
Rents, etc., received from real estate within the City	\$1,454,881.36		
Less:			
Taxes	\$308,004.47		
Salaries and wages	135,976.93		
Real estate administration	69,237.37		
Repairs	139,805.98		
Fuel, electricity and steam	95,990.10		
Other expenses	92,917.41		
Depreciation of improvements to real estate set aside in reserve for obsolescence	37,329.56		
Amortization of improvements to buildings for tenants	325,413.53	1,204,675.35	250,206.01
			<u>\$2,332,766.16</u>
Less:			
Administration and general expenses		357,126.97	
Transferred to Distribution Account		\$1,975,639.19	

DISTRIBUTION ACCOUNT

Balance of income undistributed, January 1, 1957	\$1,569,513.02	
Transferred from income account	1,975,639.19	
		<u>\$3,545,152.21</u>
Distribution to Girard College:		
For support and maintenance:		
Household	\$1,306,441.10	
Instruction	688,073.58	
Admissions and student relations	39,837.78	
Social security taxes	29,956.39	
Retirement Fund payment	85,183.00	
Extraordinary repairs and replacements	64,072.70	
	<u>\$2,213,564.55</u>	
Less sale of waste material, etc. ..	2,927.62	2,210,636.93
Balance of income undistributed, December 31, 1957, composed as shown on page A-7		<u>\$1,334,515.28</u>

COMPOSITION OF BALANCE OF INCOME UNDISTRIBUTED

DECEMBER 31, 1957

Cash in bank	*\$ 211,758.39	
Improvements to buildings:		
Stephen Girard Building, less \$288,361.32 amortization	\$1,153,445.45	
1100-42 Market Street (Snellenburg's), less \$140,000 amortization	3,360,000.00	
1425 Chestnut Street	105,941.20	4,619,386.65
Improvements for tenants, at cost less amortization	\$1,354,049.12	143,370.24
General Manager's working fund	\$ 185,000.00	
Accounts Payable revolving fund	175,000.00	360,000.00
		<u>\$5,334,515.28</u>
Less:		
Advanced from principal of personal estate	\$3,000,000.00	
Amount set aside as General Income Reserve	1,000,000.00	4,000,000.00
Balance of income undistributed		<u>\$1,334,515.28</u>

* In addition to this cash balance, the Board holds in escrow in a separate bank account \$10,455.37 for payment of taxes, insurance, etc., representing funds collected from owners of properties on which the Board holds mortgages belonging to this fund. The Board also holds \$17,472.51 contributed by the Girard College Alumni Association to be expended for Girard College student activities as the Association directs, and \$195.30 advanced by the Board members to pay for their lunches at Board meetings.

GIRARD ESTATE, FIRE INSURANCE FUND

CREATED IN 1892 FROM RESIDUARY FUND INCOME TO CARRY

A SELECTED PORTION OF THE FIRE RISKS OF

THE GIRARD ESTATE

ACCOUNTS FOR THE YEAR ENDED DECEMBER 31, 1957

Balance, January 1, 1957		\$344,411.59
Increases:		
Income from invested funds	\$ 8,907.39	
Annual insurance premiums received ..	1,245.33	10,152.72
		<u>\$354,564.31</u>
Decrease:		
Administration expenses		1,125.43
Balance, December 31, 1957		<u>\$353,438.88</u>

Balance, December 31, 1957, composed as follows:

Bonds, at cost less required amortization of premiums:		
\$163,500 United States Treasury 2¼'s, due 6/15/62-59	\$166,148.07	
83,500 United States Treasury 2½'s, due 6/15/69-64	83,575.45	
55,500 United States Treasury 2½'s, due 12/15/69-64	55,501.98	
5,000 Federal National Mortgage 4¼% Deb., due 5/8/58	5,005.47	
Common stocks, at cost:		
150 shs. Girard Trust Corn Exchange Bank	7,025.00	
180 shs. Insurance Company of North America	16,704.95	
400 shs. Philadelphia Electric Company	12,545.79	
Deposits on perpetual insurance policies	1,934.00	
Cash in bank	4,998.17	
		<u>\$353,438.88</u>

GIRARD ESTATE

Fund for the Improvement of the Delaware Front of the City, Removal of Wooden Buildings, Etc. (Delaware Avenue Fund)

PRINCIPAL ACCOUNT

FOR THE YEAR ENDED DECEMBER 31, 1957

Balance, January 1 and December 31, 1957	\$ 500,000.00
Balance, December 31, 1957, composed as follows:	
Bonds, at cost less required amortization of premiums:	
United States Government (Par value \$238,000)	\$238,088.70
Corporate (Par value \$25,000)	25,644.47
Cumulative preferred stocks, at cost ..	19,902.49
Common stocks, at cost	3,427.47
Real estate acquired by foreclosure proceedings, at cost	212,073.94
	<u>\$499,137.07</u>
Cash in bank	862.93
	<u>\$500,000.00</u>

GAIN AND LOSS ACCOUNT

FOR THE YEAR ENDED DECEMBER 31, 1957

Deficit, January 1 and December 31, 1957	\$ 391.35
Temporary reimbursement of deficit from income	391.35

GIRARD ESTATE

Fund for the Improvement of the Delaware Front of the City, Removal of Wooden Buildings, Etc. Continued (Delaware Avenue Fund)

INCOME ACCOUNT

FOR THE YEAR ENDED DECEMBER 31, 1957

Income from investments:		
Interest on bonds	\$ 6,606.25	
Dividends on stocks	1,000.04	
Rents from real estate	22,235.41	\$ 29,841.70
Less:		
Real estate expenses	\$ 19,865.60	
Administration expenses	1,653.63	21,519.23
Net income for the year		<u>\$ 8,322.47</u>

DISTRIBUTION ACCOUNT

FOR THE YEAR ENDED DECEMBER 31, 1957

Balance of income undistributed, January 1, 1957, net of \$391.35, temporary reimbursement of the deficit in the gain and loss account as shown on page A-9	\$ 29,343.39
Net income for the year, as above	8,322.47
	<u>\$ 37,665.86</u>

Reimbursement to City for expenses of lighting Delaware Avenue between Vine and South Street	6,611.57
Balance of income undistributed, December 31, 1957, cash in bank	\$ 31,054.29

STEPHEN GIRARD SCHOOL FUND

"For the use of the schools upon the Lancaster system, in the first section of the first school district of Pennsylvania."

ACCOUNTS FOR THE YEAR ENDED DECEMBER 31, 1957

PRINCIPAL ACCOUNT

Balance, January 1 and December 31, 1957	\$ 12,277.97
Balance, December 31, 1957, composed as follows:	
1,227 units, Collective Legal Investment Fund, at cost	\$ 12,270.00
Cash in bank	7.97
	\$ 12,277.97

INCOME ACCOUNT

Income from invested funds	\$ 455.79
Less administrative expenses	44.83
Net income for the year	\$ 410.96

DISTRIBUTION ACCOUNT

Balance of income undistributed, January 1, 1957	\$ 556.71
Net income for the year, as above	410.96
	\$ 967.67
Supplies for public schools	193.08
Balance of income undistributed, December 31, 1957, cash in bank	\$ 774.59

STEPHEN GIRARD FUEL FUND

Income "to purchase fuel between the months of March and August in every year forever, and in the month of January in every year forever distribute the same amongst poor white housekeepers and roomkeepers of good character, residing in the (old) city of Philadelphia."

ACCOUNTS FOR THE YEAR ENDED DECEMBER 31, 1957

PRINCIPAL ACCOUNT

Balance, January 1 and December 31, 1957	\$ 10,207.47
Balance, December 31, 1957, composed as follows:	
1,018 units, Collective Legal Investment Fund, at cost	\$ 10,200.77
Cash in bank	6.70
	\$ 10,207.47

INCOME ACCOUNT

Income from invested funds	\$ 378.15
Less administration and other expenses	39.18
Net income for the year	\$ 338.97

DISTRIBUTION ACCOUNT

Balance of income undistributed, January 1, 1957	\$ 1,453.43
Net income for the year, as above	338.97
	\$ 1,792.40
Fuel distributed to the poor	451.20
Balance of income undistributed, December 31, 1957, cash in bank	\$ 1,341.20

REPORT OF

THE TRUSTEES OF THE
ESTATE OF STEPHEN GIRARD, DECEASED
TO THE LEGISLATURE OF
THE COMMONWEALTH OF PENNSYLVANIA
FOR 1958

May 15, 1959

To the General Assembly of the Commonwealth of Pennsylvania.

Gentlemen:

In accordance with Clause XXIV, Item 3, of the Will of

Stephen Girard, the Trustees of the Estate of Stephen Girard, Deceased, herewith submit a detailed account concerning the devised and bequeathed estate of Stephen Girard, deceased, with the investments and application of the same, together with a report of the state of Girard College, for the year 1958.

The principal of the Residuary Fund for the maintenance of Girard College amounted on December 31, 1958 to \$72,315,939.05, exclusive of the value of real estate devised and still held, or \$307,423.36 more than at the end of the year 1957.

The total ordinary expenditures for the support and maintenance of Girard College amounted to \$2,230,327.59, or \$80,835.74 more than for the year 1957. The average number of students maintained was 938 and the cost of maintenance per capita \$2,377.75, or \$226.11 more than for the year 1957.

Total student enrollment, January 1, 1958	953
Students admitted during the year	114 1,067

Indentures cancelled	105
Students withdrawn	20
Students separated	29 154

Total student enrollment, December 31, 1958	913
--	-----

There were no major changes in physical plant or program during the year 1958. The number of applicants increased slightly over the preceding year, and the number of admissions was significantly higher. College entrance was again the major goal of the June graduates, with more than fifty percent of those eligible earning admission to collegiate institutions in September.

Both the elementary and secondary schools operated on a satisfactory level under somewhat adverse conditions. Girard College received a "Valley Forge Freedom Library Award" for "an outstanding achievement in helping to bring about a better understanding of the American Way of Life during 1958." An unusually successful year in athletics was capped by an undefeated soccer season. A wide range of activities, necessary and important in the boarding school community, is operated with full student support and satisfactory staff sponsorship.

The retirement of the Director of the Health Service and three members of the nursing staff occasioned a reorganization of this area. Dr. Edward L. Bauer, Director since 1934, was replaced by Dr. Carl C. Fischer, Head of the Division of Pediatrics at Hahnemann Hospital. The retirements of Miss Magdalene Suter, Directress of Nurses, Miss Elizabeth M. Leister, Assistant Directress of Nurses, and Miss Helen E. Stevens, General Duty Nurse, with a combined total of more than eighty-five years of service, became effective at the end of August. Dr. Nathan P. Stauffer, Oto-Laryngologist, completed forty-four years of service at the end of the calendar year. With his departure, this department was placed on a consulting basis. Two members of the Mechanical Instruction Department Mr. Howard Conklin, Instructor in carpentry, and Mr. Martin H. Rotan, Instructor in Pattern Making, were retired after thirty-nine and thirty-three years of service respectively.

The amount invested on December 31, 1958 in bonds, preferred and common stocks and mortgages for the Residuary Fund totaled \$63,412,065.42, or \$53,632.31 more

than in 1957, and the income therefrom amounted to \$2,126,137.70.

The receipts from the property of the Girard Estate Within the City of Philadelphia were as follows:

	Gross	Net
For the year 1958	\$1,223,111.30	\$168,343.24
The transactions for the year 1958 from the property of the Girard Estate Without the City of Philadelphia were as follows:		
Gross receipts		\$526,439.10
Taxes and other expenses		204,575.21
		<u>\$321,863.89</u>
Extraordinary expenditures		49,975.00
		<u>\$271,888.89</u>

The shipment of coal from the Girard Estate during the year 1958 was 790,263.30 gross tons, a decrease as compared with 1957 of 142,953.90 gross tons, or 15.32%. The shipment was made up as follows:

	Tons
Shipped to market—Fresh mined	781,454.65
Bank coal	8,808.65
	<u>790,263.30</u>

The total shipment from the region for the year 1958 as reported by the Pennsylvania Department of Mines was 18,264,709 gross tons, a decrease of 4,202,668 gross tons, or 18.70%, as compared with 22,467,377 gross tons for 1957. The Girard Estate's proportion of the regional shipments was 4.33% as compared with 4.15% in 1957.

During the ninety-six years of active mining on the Girard Estate, there have been marketed from it 144,213,360.09 tons.

The coal leases at the end of the year were fifteen in number, one less than at the end of 1957.

The Fire Insurance Fund has assets amounting to \$362,811.78. The risks being carried amount to \$591,316, of which \$103,000 has been re-insured. The fund suffered a loss during the year 1958 in the amount of \$275.00.

From the Fund for the Improvement of the Eastern Front of the City, the sum of \$8,983.58 was expended for lighting the district lying between Vine and South Streets, Front Street and the Delaware River.

Under the provisions of Clause IV of the Will, the sum of 729.72 was expended in the purchase of supplies for schools in the first section of the first school district of Pennsylvania.

The sum of \$567.70 was expended in the purchase and distribution of fuel (coal) in accordance with the provisions of Clause V of the Will.

On behalf of the Trustees of the Estate of Stephen Girard, Deceased.

John Orimand
President.

GIRARD ESTATE

RESIDUARY FUND FOR THE MAINTENANCE OF GIRARD COLLEGE PRINCIPAL ACCOUNTS

FOR THE YEAR ENDED DECEMBER 31, 1958

PERSONAL ESTATE

Balance, January 1 and December 31, 1958, excluding balance in the gain and loss account

\$43,495,246.66

Add balance in gain and loss account, December 31, 1958, as shown on page A-4, temporarily included in principal

4,456,223.18

Balance, December 31, 1958, including balance in gain and loss account, composed as shown on page A-2

\$47,951,469.84

REAL ESTATE

Balance, January 1, 1958

\$24,092,021.77

Increases:

Real estate without the City:

Net rents and royalties from collieries

\$494,357.16

Sale of land

1,043.00

Other receipts

31,038.94

526,439.10

Real estate within the City:

Considerations received from sale of land in South Philadelphia

558.55

\$24,619,019.42

Decreases:

Real estate without the City:

Taxes and other expenses

\$204,575.21

Maintenance of colliery, etc.

49,975.00

254,550.21

Balance, December 31, 1958, composed as shown on page A-3

\$24,364,469.21

COMPOSITION OF BALANCES OF PRINCIPAL OF PERSONAL

ESTATE AND OF REAL ESTATE, DECEMBER 31, 1958

PERSONAL ESTATE

Bonds, at cost less required amortization of premiums.
United States Government

\$18,758,081.76

Corporate

29,302,423.26

Cumulative preferred stocks, at cost

4,960,363.43

Common stocks, at cost

5,657,854.58

Bonds and mortgages on real estate, at cost

4,733,322.09

Real estate acquired by foreclosure proceedings, at cost

3,596,770.38

Advanced to income account for improvements to buildings

3,000,000.00

Cash in bank

471,213.65

\$70,480,049.45

Less advanced from principal of real estate for investment

22,528,579.61

Balance of principal of personal estate

\$47,951,469.84

*Includes \$4,456,223.18 balance in gain and loss account.

REAL ESTATE

Coal lands and other lands in Schuylkill and Columbia counties, acquired since January 1, 1928, at cost

\$ 87,999.50

Improvements to real estate in Philadelphia (paid from principal), at cost, less \$2,288,676.14 provision for obsolescence*

1,736,890.10

Mining Engineer's working fund

11,000.00

Advanced to principal of personal state for investment

22,528,579.61

Balance of principal of real estate

\$24,364,469.21

*Exclusive of \$855,767.30 estimated obsolescence for which provision has been deferred.

Gain and Loss Account

Balance, January 1, 1958

\$ 4,421,247.26

Increases:

Gains on sales of stocks

51,836.35

\$ 4,473,083.61

Decreases:

Losses on sales and redemptions of bonds, net of gains

16,860.43

Balance, December 31, 1958, included in balance of principal of Personal Estate (page A-1)

\$ 4,456,223.18

Note: The gains and losses are required by the Court to be carried in a running gain and loss account; if, at the end of any year there is a balance in the account, it is temporarily added to principal; if a deficit, it is temporarily reimbursed from income.

INCOME ACCOUNT

FOR THE YEAR ENDED DECEMBER 31, 1958

Income from securities:
Interest on bonds

\$1,347,760.03

Dividends on stocks

534,089.10

Income from mortgages

244,288.57

\$2,126,137.70

Rents, etc., received from real estate within the City

\$1,223,111.30

Less:

Taxes

\$217,147.94

Salaries and wages

153,981.89

Real estate administration

65,456.72

Repairs

78,604.26

Fuel, electricity and steam

100,486.96

Other expenses

101,904.40

Depreciation of improvements to real estate set aside in reserve for obsolescence

37,329.56

Amortization of improvements to buildings and for tenants	299,856.33	1,054,768.06	168,343.24
			\$2,294,480.94
Less:			
Administration and general expenses			352,073.82
Transferred to Distribution Account			\$1,942,407.12
DISTRIBUTION ACCOUNT			
Balance of income undistributed, January 1, 1958		\$1,334,515.28	
Transferred from income account		1,942,407.12	
			\$3,276,922.40
Distribution to Girard College:			
For support and maintenance:			
Household	\$1,402,952.51		
Instruction	675,857.09		
Admissions and student relation	42,828.32		
Social security taxes	30,555.67		
Retirement Fund payment	78,134.00		
Extraordinary repairs and replacements	11,439.00		
		\$2,241,766.59	
Less sale of waste material, etc. ..	3,907.69		2,237,858.90
Balance of income undistributed, December 31, 1958, composed as shown on page A-7			\$1,039,063.50

COMPOSITION OF BALANCE OF INCOME UNDISTRIBUTED
DECEMBER 31, 1958

Cash in bank		\$203,225.38	
Improvements to buildings:			
Stephen Girard Building, less \$360,-			
451.65 amortization	\$1,081,355.12		
1100-42 Market Street (Snellenberg's),			
less \$280,000 amortization	3,220,000.00		
1425 Chestnut Street, less \$12,191.97			
amortization	109,727.73	4,411,082.85	
Improvements for tenants, at cost less			
\$360,895.45 amortization		64,755.27	
General Manager's working fund	\$185,000.00		
Accounts Payable revolving fund	175,000.00	360,000.00	
			\$5,039,063.50
Less:			
Advanced from principal of personal			
estate	\$3,000,000.00		
Amount set aside as General Income			
Reserve	1,000,000.00	4,000,000.00	
Balance of income undistributed			\$1,039,063.50

* In addition to this cash balance, the Board held in escrow in a separate bank account \$9,605.40 for payment of taxes, insurance, etc., representing funds collected from owners of properties on which the Board held mortgages belonging to this fund. The Board also held \$5,400.57 contributed by the Girard College Alumni Association to be expended for Girard College student activities as the Association directs, and \$17.22 advanced by the Board members to pay for their lunches at Board meetings.

GIRARD ESTATE, FIRE INSURANCE FUND

CREATED IN 1892 FROM RESIDUARY FUND INCOME TO CARRY A
SELECTED PORTION OF THE FIRE RISKS OF THE
GIRARD ESTATE

ACCOUNTS FOR THE YEAR ENDED DECEMBER 31, 1958

Balance, January 1, 1958		\$353,438.88	
Increases:			
Income from invested funds	\$9,469.13		
Annual insurance premiums received ..	1,245.33	10,714.46	
			\$364,153.34
Decrease:			
Administration expenses	\$1,061.09		
Loss at maturity of bonds	5.47		
Automobile damages paid	275.00	1,341.56	
Balance, December 31, 1958			\$362,811.78
Balance, December 31, 1958, composed as follows:			
Bonds, at cost less required amortization of premiums:			
\$169,500 United States Treasury			
2½'s, due 6/15/62-59	\$172,151.82		
83,500 United States Treasury			
2½'s, due 6/15/69-64	83,575.45		
55,500 United States Treasury			
2½'s, due 12/15/69-64	55,501.98		
Common stocks, at cost:			
230 shs. Girard Trust Corn Exchange		10,905.00	
Bank			
180 shs. Insurance Company of North			
America	16,704.95		
500 shs. Philadelphia Electric Company		16,480.29	
Deposits on perpetual insurance policies		1,934.00	
Cash in bank		5,558.29	
			\$362,811.78

GIRARD ESTATE

FUND FOR THE IMPROVEMENT OF THE DELAWARE FRONT
OF THE CITY, REMOVAL OF WOODEN BUILDINGS, ETC.
(Delaware Avenue Fund)

ACCOUNTS FOR THE YEAR ENDED DECEMBER 31, 1958

PRINCIPAL ACCOUNT

Balance, January 1 and December 31, 1958	\$500,000.00
Balance, December 31, 1958, composed as follows:	
Bonds, at cost less required amortization of premiums:	
United States Government (Par value	
\$238,000)	\$238,088.70
Corporate (Par value of \$25,000)	25,644.47
Cumulative preferred stocks, at cost ...	19,902.49
Common stocks, at cost	3,427.47
Real estate acquired by foreclosure pro-	
ceedings, at cost	212,073.94
	\$499,137.07
Cash in bank	862.93
	\$500,000.00

GAIN AND LOSS ACCOUNT

Deficit, January 1 and December 31, 1958	\$391.35
Temporary reimbursement of deficit from income	391.35
(See note on page A-4)	

INCOME ACCOUNT

Income from investments:		
Interest on bonds	\$6,606.25	
Dividends on stocks	1,000.04	
Rents from real estate	21,303.35	\$28,909.64
Less:		
Real estate expenses	\$20,995.30	
Administration expenses	1,520.00	22,515.30
Net income for the year		\$6,394.34

DISTRIBUTION ACCOUNT

Balance of income undistributed, January 1, 1958, net of \$391.35, temporary reimbursement of the deficit in the gain and loss account as shown on page A-9 ...	\$31,054.29
Net income for the year, as above	\$37,448.63
Reimbursement to City for expenses of lighting Delaware Avenue between Vine and South Streets	8,983.58
Balance of income undistributed, December 31, 1958, cash in bank	\$28,465.05

STEPHEN GIRARD SCHOOL FUND

"For the use of the schools upon the Lancaster system, in the first section of the first school district of Pennsylvania."

ACCOUNTS FOR THE YEAR ENDED DECEMBER 31, 1958

PRINCIPAL ACCOUNT

Balance, January 1 and December 31, 1958	\$12,277.97
Balance, December 31, 1958, composed as follows:	
1,227 units, Collective Legal Investment	
Fund, at cost	\$12,270.00
Cash in bank	7.97
	\$12,277.97

INCOME ACCOUNT

Income from invested funds	\$471.14
Less administration expenses	115.32
Net income for the year	\$355.82

DISTRIBUTION ACCOUNT

Balance of income undistributed, January 1, 1958 ..	\$774.59
Net income for the year, as above	355.82
	\$1,130.41
Supplies for public schools	729.72
Balance of income undistributed, December 31, 1958, cash in bank	\$400.69

STEPHEN GIRARD FUEL FUND

Income "to purchase fuel between the months of March and August in every year forever, and in the month of January in every year forever distribute the same amongst poor white housekeepers and roomkeepers of good character, residing in the (old) city of Philadelphia."

ACCOUNTS FOR THE YEAR ENDED DECEMBER 31, 1958		
PRINCIPAL ACCOUNT		
Balance, January 1 and December 31, 1958	\$	10,207.47
Balance, December 31, 1958, composed as follows:		
1,018 units, collective Legal Investment Fund, at cost	\$10,200.77	
Cash in bank	6.70	
	\$10,207.47	
INCOME ACCOUNT		
Income from invested funds	\$	390.89
Less administration and other expenses		109.70
Net income for the year	\$	281.19
DISTRIBUTION ACCOUNT		
Balance of income undistributed, January 1, 1958 ..	\$	1,341.20
Net income for the year, as above		281.19
	\$	1,622.39
Fuel distributed to the poor		567.70
Balance of income undistributed, December 31, 1958, cash in bank	\$	1,054.69

The Dollar Savings Bank

Fourth Avenue and Smithfield Street

Pittsburgh 30, Pennsylvania

George B. Oates
President
Howard A. Hoffman
Secretary
Francis B. Nimick, Jr.
Treasurer
Jerome G. Auer
Assistant Treasurer
Harry A. Nelson
Assistant Treasurer
George E. Cobun
Assistant Secretary
Harry A. Harrison
Assistant Secretary

February 4, 1958

Clerk of House of Representatives
Commonwealth of Pennsylvania
Harrisburg, Pennsylvania

Dear Sir:

We enclose herewith two copies of advertised list of depositors with this bank who have not made a deposit within two years, and whose dividends, which have not been entered in their pass books, amount to at least five dollars.

We also enclose three copies of our Semi-annual Report as of December 1, 1957.

Very truly yours,

(Sgd) Francis B. Nimick, Jr.
Treasurer

FBN:mlz
Enclosures

REPRINTED FROM PITTSBURGH LEGAL JOURNAL,
JANUARY 31, 1958

List of Depositors of The Dollar Savings Bank of Pittsburgh, Pa., who have not made a deposit within two years, and whose dividends, which have not been entered upon their pass books, amount to at least Five Dollars. This Statement is published annually in accordance with the Charter.

A	
236922 Arenz, Henry E.	64.48
342342 Artinger, Julia	192.30
378932 Ammann, Katherine M.	79.26
478261 Abrams, Michael, or	315.21
480304 Amuso, Teresa	112.92
491774 Adams, Arcilla, tr.	7,458.81
492775 Ash, Bertha	4,695.12
493733 Allen, Pearl Vivian, tr.	376.16
500468 Adasiewicz, Sophia M.	1,914.88
400637 Aefalter, George	55.26
512073 Abrams, Eva	535.88
512295 Atkins, Frederick E.	9,115.44
512433 Abravanel, Diane R.	262.27
513389 Amantea, Helen	340.19
514765 Adamski, Josephine, or	1,687.05
523835 Autenreith, Ada M.	3,184.16
524253 Abronovich, Frances, or	1,388.90
398334 Altwater, F. Ross, tr.	28.16
401686 Americus, Lucille	1,224.23
498199 Allen, Mary G., tr.	6,254.61
498272 Allen, Mary G., tr.	3,230.30
430174 Armstrong, Adam M., tr.	330.31
461304 Austin, Paul F., tr.	89.93
465392 Abraham, Minnie, tr.	108.73
428870 Adsit, Harry B.; and	142.16
441515 Adamy, Herman	429.03
452883 Alder, Jos. W.	59.44
521912 Abbinanti, James J., or	1,076.84
503178 Alter, Willard S., or	143.52
503306 Adams, William E., or	48.99
443514 Applegate, Virginia S.	645.12
444131 Amuso, Frank C., Jr.	62.86
444508 Adisey, Julia, tr.	1,870.57
448112 Andrews, Phillip, or	736.14
449339 Avins, Samuel, and, tr.	34.64
451724 Adams, Isabella, tr.	305.14
470362 Arelt, John M., or	1,520.34
474626 Alexander, Margaret E.	2,275.78
476731 Alcorn, Frances V., tr.	3,223.87
487207 Aquadro, Maria, or	583.66
B	
473673 Burns, Anthony R., or	465.18
475091 Blendinger, Catherine, tr.	796.11
476242 Bernarding, Francis, I, or	128.25
477168 Barnes, Wendell, tr.	203.06
477929 Blendinger, Catherine, tr.	387.68
486516 Balent, Charles E., tr.	75.83
486747 Baum, Richard E., tr.	238.58
487415 Byrne, John R.	106.42
487606 Burchardt, Ralph, tr.	567.63
488173 Bahl, William, Jr.	518.39
489014 Brown, Harry J. F., or	1,381.63
489408 Black, John S., tr.	3,909.15
490288 Beech, Miriam U.	654.74
490404 Barrett, Margaret	2,178.73
518236 Borkon, Ruth	275.37
518507 Brown, Beatrice M., or	338.64
518630 Brown, Emma, or	1,745.42
518705 Bauer, Herbert F., tr.	403.72
82036 Birch, Matthew	1,295.70
150075 Bowman, Charles W.	1,008.68
243315 Bennett, Lizzie	639.58
269690 Bucher, Clara E.	172.65
271014 Bucher, Charles J.	1,388.33
280387 Bauer, Florence R.	48.13
298989 Burrows, Joe	826.52
332454 Boyd, Cannellia	170.77
336047 Boll, Emil	455.15
352565 Brazell, Bridget	117.27
371622 Brett, Martin J.	1,400.86
382532 Berry, Catherine	83.06
383095 Byers, Clara	137.37
387513 Bulmer, Elizabeth	393.47
402431 Berner, Katie	78.27
489587 Brass, Carl F., Jr.	82.71
487423 Breskin, Kathleen G., or	39.59
423152 Baker, Norine B.	1,350.68
425144 Balla, Julius A., or	955.13
430496 Bamford, Robert W., or	13,602.85
424990 Belles, Oscar	126.52
429741 Bernhard, Marian	200.14
420262 Boehm, Angie G.	212.25
429459 Bowser, Clarence, or	1,242.12
426258 Bragdon, Burton B., tr.	161.52
421380 Buchman, George L.	78.05
460407 Burke, Myrtle L.	2,213.85
461718 Barry, Carrie	144.96
462788 Bert, C. V., or	656.90
464274 Buechel, Sophie M., tr.	11,605.94
464419 Benz, Florenz M., or	1,215.26
465569 Beckert, Grace E., tr.	506.09
463776 Bethke, Merle H., or	848.97
506711 Beck, Joseph A., tr.	75.81
506837 Burger, Elizabeth, or	3,273.65
507021 Brandau, Anna Marie, tr.	112.66
507578 Beveridge, Elizabeth W., or	583.65
508232 Blumenstein, Richard C.	460.58
508431 Blaney, Margaret, tr.	882.36
508482 Bossart, James H., or	357.32
519516 Begler, Lillie	12,430.08
520418 Barton, Helen, or	108.79
520424 Bogdan, Vera	1,085.79
520820 Barnes, Beryl Monica, or	116.39
520915 Becker, Elizabeth S., or	1,133.68
426037 Beam, Margaret	100.40

442225 Balestriere, Frank	1,451.74	409668 Bruggeman, Charles A., or	240.24
425900 Buchman, Rose R., tr.	54.71	412899 Baugh, Lillian S.	2,095.04
507487 Burns, John	39.64	485141 Baker, Bertha, tr.	253.49
507837 Black, Frank W., or	43.23	485865 Booker, Josephine E., tr.	3,776.93
507924 Burns, Anthony R., or	58.22	485956 Blank, George H., tr.	78.02
432173 Betz, George F.	7,479.15	497111 Boyer, Edna B., tr.	63.00
432195 Bell, Louise Mae	495.11	497401 Bristow, Sarah	376.77
432329 Bell, Alberta G., tr.	187.12	498692 Bianchini, Lawrence, tr.	205.50
432963 Brown, Beatrice, tr.	487.63	482188 Barry, Constance, or	1,313.64
434038 Bennett, Belle	142.11	483324 Beckert, Grace E.	325.69
435814 Bianchini, Armando	117.69	484097 Beardsley, Isabelle, or	2,195.07
435926 Baxter, Ella P., tr.	5,944.57	498442 Bold, Walter	56.93
435962 Byalko, Martha, tr.	1,092.06	499244 Britton, Marie, tr.	215.12
440784 Becker, Carl H., Sr.	228.48	499710 Best, Joseph L., or	127.55
Barber, Kittle P. (estate)	2,319.71		
495227 Bennett, Elsie	1,546.46		
495516 Bristow, Samuel	3,678.94		
496478 Baker, Ralph M.	3,118.57		
496751 Burns, Anthony R., tr.	184.80		
496752 Burns, Anthony R., or	188.44		
496753 Burns, Anthony R., or	210.55		
503001 Biber, Elleen, or	197.43		
503675 Burgis, Barbara Louise	451.78		
504531 Beck, Margaret, or	199.85		
505347 Brayshaw, Emma M., or	1,163.00		
521136 Blackman, Marie	541.78		
521155 Beczak, Catherine, tr.	602.61		
522397 Barrett, Nell, tr.	107.44		
522700 Birsa, Bernice W., tr.	1,491.38		
496744 Brown, Eleanor, tr.	84.70		
504944 Butler, Della	67.75		
505332 Brown, Alice Aiken	48.62		
443854 Bickerstaff, Amanda	3,120.91		
448754 Brown, James E.	1,502.80		
467113 Blaser, Walter R., tr.	868.98		
469290 Bondi, Harry	2,504.68		
469393 Bain, Clarence R., or	890.96		
470335 Burger, Katherine, tr.	344.50		
470567 Balent, Charles E., tr.	330.06		
471607 Blackstock, George H., or	1,749.92		
471415 Bruckner, Harry G., or	26.22		
472614 Benson, Margaret H., tr.	45.86		
472072 Baine, Sarah J., tr.	341.36		
472379 Brown, Louis, or	1,626.94		
472549 Burns, Anthony R., tr.	6,286.01		
472868 Broskin, Joseph, or	75.63		
509030 Brady, Thomas J.	439.89		
509576 Bickerstaff, Glenn A., or	4,688.93		
509706 Bombara, Joseph T.	595.24		
510012 Beveridge, George M.	10,096.44		
510014 Bollinger, Dorothy	402.70		
510106 Boyce, Clara M.	1,528.79		
510154 Berdine, Louis J., or	757.97		
510198 Bain, Mary B., tr.	172.18		
511902 Black, Maxine	60.03		
515145 Baird, Esther	5,611.98		
515355 Burgess, Ruth G., tr.	1,274.45		
515683 Boyd, Donald A., or	752.13		
515720 Burckin, Jean, tr.	2,099.54		
516250 Butkiewicz, Jadwiga, tr.	3,455.04		
516844 Bates, Pearl J., tr.	3,084.77		
516973 Butts, Homer D., Jr., tr.	116.51		
449822 Berman, George, or	30.50		
469916 Bowler, Johanna, tr.	56.05		
152015 Barclay, John, Jr.	231.63		
227002 Burket, Mae E.	1,465.04		
289576 Byers, Adele, estate	765.52		
318761 Bingleman, Lewis O.	4,328.81		
340388 Bining, Jane	1,529.56		
350522 Baumgartel, Cora H.	2,067.19		
356557 Bowle, Elizabeth W.	139.27		
357798 Braxton, Anne E.	1,178.50		
369381 Bavin, Anna	62.80		
375700 Beater, Eleanor S.	778.50		
377881 Bornscheuer, Alice C.	2,476.39		
452419 Bodnovic, Mary	1,908.43		
452444 Bergstrom, Mary Ward	429.33		
454971 Beane, Virginia K.	9,492.34		
455010 Bammer, Frank, or	6,523.33		
456935 Balkman, Charles S., or	64.99		
458700 Brandau, Anna Marie	88.07		
478124 Baldasary, N. Jack, or	563.43		
479816 Babin, Andrew, or	6,282.95		
480000 Brooks, Margaret Ramsay Jones	131.83		
480832 Buckley, Richard C.	278.00		
480853 Buerkle, Richard C., or	854.91		
481363 Berry, Marie A.	257.33		
481679 Beltz, Lillie M., or	324.33		
491018 Beveridge, Welker Elizabeth	4,035.16		
491859 Balestreri, Gaetano, tr.	1,276.44		
492165 Becker, Clara, tr.	133.21		
492240 Bain, Mary B., tr.	3,351.16		
493735 Bowers, George, or	3,482.66		
500433 Binder, Azrel, or	613.44		
500847 Beck, A. Louise	710.30		
501905 Baum, Richard R., tr.	140.30		
458467 Bertenthal, Herman	60.51		
523146 Berdine, Sylvia	159.98		
523147 Berdine, Louie J., tr.	159.98		
380922 Broderick, Catherine	18,948.28		
399297 Bianchini, Lorenzo	164.65		
400502 Bailey, William A., tr.	7,137.69		
405291 Boyd, Gladys, tr.	308.08		
406034 Brown, Elizabeth, tr.	4,020.58		
406039 Bowler, Ellen	82.19		
408620 Brabac, Agnes	12,892.56		
473832 Connors, Margaret, tr.	226.77		
476653 Chiavetta, Michael, or	87.52		
477432 Comerford, Kezia	790.74		
486047 Connolly, Nora, tr.	82.08		
486384 Curran, Mary McK.	1,227.32		
486921 Cohen, Myer	4,986.45		
487109 Campbell, Agnes A.	5,664.36		
490384 Christiana, Natale A. tr.	142.00		
490508 Ciotta, Nathan	11,763.21		
517939 Cook, Anne E.	469.01		
518435 Ciesinski, Martha, tr.	1,539.14		
19765 Cooper, Agnes	90.28		
55384 Chadwick, Anna I.	223.61		
145282 Conroy, Mary A., East of	8,170.76		
267924 Chegwidan, Charles	77.68		
270977 Connell, Sara	214.81		
288222 Coyne, Anthony	1,581.07		
311958 Clark, Nellie D.	924.36		
363580 Cook, Alice B.	67.07		
365183 Cusick, Frances, tr.	606.65		
368563 Curc, Joseph	63.16		
379714 Curry, Patrick M.	752.43		
381184 Catley, Myrtle M.	682.55		
495317 Caplon, Mollie	80.04		
400875 Charles, Helen, tr.	67.64		
471099 Caslowsky, Marion H., tr.	71.98		
477614 Cherry, Mollie K.	176.17		
476779 Costello, Joseph P., or	46.94		
477908 Cozza, Ralph J.	38.87		
489223 Carrington, John A.	25.34		
490593 Coffey, C. David, or	61.03		
431925 Chambers, Louise, or	11,781.64		
434489 Cain, Dale B.	4,497.01		
436419 Covert, E. A., or	1,163.25		
436959 Campbell, Martha H., tr.	1,798.96		
442191 Clark, Maud E., tr.	3,814.03		
442886 Carroll, Thomas J.	2,888.96		
494238 Coyne, Catherine	319.12		
495004 Crawford, Robert E., or	202.62		
496019 Curry, Mary Louise, or	216.08		
503505 Christofel, Warren D., or	1,028.79		
503992 Conley, Margaret A., or	12,275.93		
504265 Connolly, Sarah	1,250.71		
505114 Crouse, Mary, or	526.79		
505429 Clarke, J. Melvin, or	235.00		
521335 Carryer, Irene J., tr.	778.55		
521808 Collison, Alma	154.62		
522249 Cavanaugh, Francis M., or	107.44		
522276 Coyne, Alice	2,676.67		
522451 Catania, Arthur P., or	1,254.19		
496384 Crawford, Robert B., tr.	75.70		
505340 Cashdollar, Nellie R., tr.	58.59		
443766 Criley, Jean M., tr.	296.68		
447185 Connolly, Sarah, or	853.64		
447753 Callar, M. Logue, tr.	184.94		
467927 Connolly, William and Nora M.	190.61		
468940 Cleland, Mary E.	7,013.36		
471657 Clark, Charles A., or	806.09		
472966 Chalfant, Helen C.	79.74		
510252 Carlisle, Clara, tr.	4,706.72		
515579 Curley, Mary W., tr.	560.02		
515994 Curley, Mary W., tr.	563.28		
515995 Curley, Mary W., tr.	599.49		
516156 Cunningham, Catherine, tr.	2,710.62		
516614 Cull, Robert D., or	584.68		
516712 Chepponis, Frank M., or	130.10		
516771 Cayton, Joseph H., or	5,554.20		
149210 Cooper, Louis	19.66		
208873 Carlin, Harriet A.	113.65		
263661 Catlin, Rose E.	365.55		
321584 Carr, Mary	162.68		
367291 Crummer, Rebecca Jane	464.82		
452861 Creeley, Robert	1,547.34		
454358 Christy, Blanche M.	1,380.89		
454535 Connolly, John J.	46.28		
454761 Christopher, Milton A.	2,789.07		
455243 Cohen, Bertha Rauh	351.07		
478784 Connare, Nellie T.	599.05		
479148 Conley, William T.	473.63		
480923 Crawley, Michael L., or	203.74		
491838 Capone, Mary, tr.	87.48		
491839 Cosgrove, Sarah Lee	309.60		
493352 Cummings, Elsie, tr.	407.08		
500025 Collins, Edward J., tr.	73.83		
500775 Coyle, Dorothy, tr.	157.90		
501667 Carmody, Francis P., or	2,773.85		
491115 Coutais, Sophia, or	38.79		
493106 Corcoran, Mary Alice	58.01		
493296 Collins, Wm. T., or	29.65		
390261 Crowley, Edith M.	371.82		

403241	Connors, Margaret, tr.	
403425	Cabaj, Maria	
404032	Coyne, Catherine	
415129	Cooney, Mary A., tr.	
482527	Crawford, Jane Forse, tr.	
483254	Carroll, Anne M., tr.	
497708	Cirota, Haiman	
498594	Cook, Emil V., or	
513507	Cambler, Dennis W., or	
513874	Cyphers, Philip A.	
514973	Cannon, John, or	
523551	Catania, Arthur P., or, tr.	
403242	Connors, Margaret, tr.	
409335	Cohen, Estelle J.	
482033	Colombo, Dominic, or	
484240	Carter, Sue M.	
484777	Carter, Jane C., or	
484813	Crovet, Sophie, tr.	
498731	Clydesdale, Jane L., and	
421412	Campbell, Martha H.	
420475	Caplicki, Alex, or	
426485	Carter, Mary A.	
424888	Collins, Thomas, or	
430592	Connolly, Margaret, tr.	
419940	Craig, Ella, or	
427831	Cummings, Margaret M.	
460468	Cranston, H. G., tr.	
461238	Conley, Margaret	
461361	Chonka, Mary	
461711	Cypher, Robert W., or	
464385	Coyle, Mary	
465186	Carothers, Wm. D., tr.	
465187	Carothers, Wm. D., tr.	
465188	Carothers, Wm. D., tr.	
466646	Clark, James B., or	
466965	Curry, Pauline H., tr.	
508228	Cole, Margaret H., tr.	
519242	Cominsky, Anna M., tr.	
519563	Comer, Della E., or	
520106	Colangelo, Emma, or	
520640	Club, Argonne	
416988	Carson, Margaret	
437020	Cameron, Elizabeth	
450884	Cronin, John P.	
452410	Craig, Alberta Price	
427170	Collear, Logue M., tr.	
422004	Choffat, Mary E.	
506709	Christman, Kenneth P., or	

D

473684	Devine, Bridget, tr.	
474046	Dollens, Harriet E. Mc., tr.	
477305	Devine, Mary, tr.	
486013	Dinley, Mary R., tr.	
486616	Davis, Russell Ott	
517527	Davis, Sara N., or	
518572	Dineen, Vera L., tr.	
518964	Derrick, Catherine, or	
57661	Davis, Hugh H., tr.	
159412	Devlin, Marie A.	
271591	Dixon, Katie	
291598	Di Renna, Angela M.	
294660	Demut, Julie	
334300	Darr, Hortense H.	
340760	Doll, Bertha G., Est. of	
366222	Davis, Alice	
395992	Dickey, Ferguson B.	
410205	Dietrick, Samuel, or	
463805	Davidson, Maxwell E., tr.	
490610	Dupont, Anna E., or	
475196	Doyle, Milton J.	
393526	Daugherty, Mark	
397796	Dunn, Marion L. B.	
403989	Dever, Martha C., tr.	
412535	Duffy, Margaret M.	
484978	Doughty, Helen	
499056	Davis, Martha J., or	
499673	Dodworth, Dorothy L.	
512550	Duffy, Katherine, tr.	
513103	Durr, Robert, or	
513295	Dalton, Mary Olive, tr.	
513593	Dougherty, Martha T., tr.	
514167	Dunkle, Maurice A.	
514236	De Weese, Raymond C., tr.	
524292	Davage, Gilbert A., tr.	
413715	Delp, Walter A.	
417542	Dougherty, John F.	
482028	Detemple, Wm. F., or, tr.	
482785	Dennys, Rose, tr.	
483759	Davis, Wm. R., or	
483821	Dittmar, James N., tr.	
498483	Democko, Margaret L., tr.	
498916	Dupont, August F., or, tr.	
425786	Driscoll, Nora, tr.	
430814	Dzula, Julia, tr.	
460584	Dickson, Blanche O., tr.	
461645	Durner, Fred J., and	
463490	Dixon, Elizabeth	
463591	Dudens, Ygnas	
464292	Doran, Julia K., tr.	
465865	Danko, Mary, tr.	
466296	Deberson, John J., tr.	
506548	Dendas, Virginia	
507063	Demski, Lucille C., tr.	
508217	Davis, Sophie, tr.	
508530	Doole, Sara	

414.26	
937.11	
85.01	
106.54	
4,306.50	
1,598.01	
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3,202.21	
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57.50	
134.14	
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25.62	
31.74	
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96.58	
244.64	
158.12	
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1,727.23	
190.96	
661.16	
1,295.05	
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253.84	
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18,762.03	
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283.42	

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246.88	
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85.66	
73.44	
275.16	
564.64	
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187.47	
56.44	
54.32	
1,876.07	
150.28	
83.65	
625.10	
42.57	
753.26	
492.89	
7,701.84	
2,226.45	
458.03	
776.12	
255.45	
84.06	
1,452.19	
1,535.59	
584.88	
1,161.09	
2,320.37	

519624	Downs, Gertrude S., or	5,438.02
427278	Donnelly, Marie M.	178.67
460534	Dally, Anne M., tr.	192.69
421622	Degenther, Mildred E.	46.31
463989	Demain, Robert E.	65.38
437161	Dresbach, Helen	6,558.22
439621	Duff, Paul N.	1,072.31
439687	Deberson, M. Sinclair	120.67
439965	Donnelly, Catherine, tr.	118.09
440578	Dietz, John W.	239.94
494259	Dougherty, Martha T.	332.05
494674	Digiacomo, Felix, or	771.55
494746	Dascenzo, Johanna	2,256.40
496210	Dufner, Frank J., or	149.04
504415	Daugherty, Martha Jane, tr.	123.08
505419	Doran, Julia K., or	2,255.50
505436	Dudley, Cora E., tr.	1,378.61
505506	Dailey, Daniel J., or	12,426.96
505611	Davis, Elizabeth J.	7,899.83
522226	Dally, Elma Louise	537.31
522853	Darrah, Alma M., or	904.62
495666	Dixon, Bernice C., tr.	80.24
505412	Deberson, John C., or	566.89
447153	Demchak, Mike, or	70.20
447316	Dinkey, Chas. E., Jr., tr.	436.34
447711	Didinger, George Henry, Atty.	91.55
448792	Dury, Mary C.	30.79
468347	Daly, Eleanor, tr.	1,360.54
470267	Dindinger, Gilbert D., or	80.48
470858	Duffy, Martin, or	1,338.15
472076	Doersch, William C.	423.46
472521	Disilvio, Zardelda A.	41.93
510706	Dayoub, George A., Sr., or	2,236.16
515308	Dunkle, Maurice A., tr.	274.95
471254	Deeds, Josephine, tr.	30.40
30'632	Dillon, Jessie M.	146.10
345719	Dodds, Wallace T.	134.74
337573	Devlin, Stella	14,533.36
366077	Dunbaugh, Charles C.	242.73
453447	DeMaria, Joseph C., or	10,237.70
455585	Dieter, Julius W.	147.45
458439	Daschbach, Olla E.	96.62
459335	Dixon, Marguerite	158.37
478473	Devine, John, or	11,740.37
479271	Drum, Nellie C.	1,191.03
479712	Dupont, Anna E., or	79.02
493175	Dombroski, Sophie, tr.	742.09
379888	Devlin, Margaret, tr.	43.95

E

473101	Elman, Marie	4,876.49
488680	Ellis, Mary E. tr.	1,346.26
490635	Elbling, Gloria, tr.	199.85
460106	Eisaman, Jack H., and	108.59
599336	Ebbert, Margaret, tr.	1,298.00
417870	Elmen, Ella, or	2,293.98
483630	Elbling, Irvin N.	154.47
485631	Early, Mary M., tr.	262.11
427681	Easley, Alice K., tr.	167.12
423327	Eberle, Atlee C.	4,467.86
421892	Eskin, Annie	303.94
460534	Evans, Anne M. Daily	192.69
506572	Ertel, Kathryn	1,464.93
520669	Edelson, Myrna, minor	537.46
520670	Edelson, Laura, minor	537.46
520671	Edelson, Jill, minor	537.46
461971	Easley, Thomas H., III	61.24
461972	Easley, Elizabeth S.	65.45
462685	Ellsworth, Lewis X.	4,221.62
508253	Ellicker, Richard E., or	105.58
433578	Eberle, David, or	1,654.63
496'43	Eastley, Carrie, tr.	575.51
521372	Ensley, Robert W., or	2,189.48
4951	Early, Curtis N., or	71.90
503305	Eardley, Jeanne W. Dubarry	46.17
445440	Echment, Roy J., or	121.97
449441	Ellovich, Rebecca, tr.	9,406.25
469249	Evans, Nettie H., tr.	713.27
510768	Egun, John P., Jr., tr.	105.31
510940	Eliopoulos, Vasillos J., tr.	505.53
320982	Ebert, Mary M.	694.81
333955	Enoven, Mary W.	597.10
352407	Evans, Mary M.	381.40
370497	Evans, Edward W.	5,531.37
456620	Elchel, Frances	968.56
458391	Echenwerth, Rose	122.82
493228	Eastman, George	37.41

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473331	Fingeret, Rose, or Fingeret Annette	1,330.08
474072	Fitzgerald, Honora M., tr.	97.42
476634	Fulton, Cordelia S., tr.	3,814.90
476903	Feibinger, Margaret, tr.	5,978.82
487434	Felder, Mary, tr.	136.48
489238	Forkosh, Sylvia, tr.	366.56
489832	Formhals, Anna G., or	3,326.71
517427	Friedland, Samuel J., or	13,234.05
518136	Fisher, Joseph P., M.J., or	6,585.03
518637	Freedman, Arnold, Est.	1,099.34
291820	Flaherty, Annie	220.03
339111	Fried, W. F.	241.47
406511	Flynn, Mary C., tr.	304.24
473312	Fior, Cecilio M., tr.	308.77
517251	Fischer, Fred Henry	121.00
474073	Fitzgerald, Honora M.	35.31

440074	Fitzgerald, Honora M.	35.31	443430	Grubbs, Hazel A.	38.12
442610	Frolich, Adolf, or	2,976.09	463167	Gaggero, Virginia, tr.	720.22
440594	Feathers, Helen A.	603.12	468169	Gaggero, Virginia, tr.	720.22
440313	Francolino, Josephine	2,816.86	468169	Gaggero, Virginia, tr.	720.22
503111	Frank, John S., M.D.	2,025.08	468170	Gaggero, Virginia, tr.	720.21
503278	Flannery, Louise Brown	1,790.70	468870	Goldman, Ann E., tr.	512.90
505061	Flaherty, Mary E.	639.98	469667	Gorman, Anna D., tr.	1,546.58
505528	Flis, Mary, tr.	4,735.89	470202	Gorseck, Fannie, tr.	1,296.35
521421	Flocker, Mary, or	494.22	470203	Gorseck, Fannie, tr.	51.03
522104	Ford, Jane E., or	1,092.27	472240	Glaser, Josephine	871.62
442770	Findley, Ella A.	647.33	472243	Gray, Catherine	1,253.80
444227	Frost, Frank R., tr.	679.33	472770	Garland, Emily B.	1,326.17
445254	Freedman, Maurice, or	1,237.25	509421	Gardy, Edith W., tr.	115.49
451127	Fussenegger, Charles S., tr.	101.42	509422	Gardy, Edith W., tr.	115.49
468936	Friedlander, Anna K.	1,465.63	510675	Greenblat, David, or, tr.	2,418.47
469734	Ford, Stephen F., tr.	55.51	511466	Grobstein, Florence, and	447.26
509327	Flajnik, Vincent J., or	51.71	511732	Gallagher, William (Minor)	490.13
510280	Feldman, Racelle, or	675.76	515390	Gerstein, Jennie, or	2,414.55
510311	Faust, Mary, or	1,192.87	515693	Garrity, Ella, tr.	97.54
515819	Fellabom, Kirk L., minor	1,076.86	515818	Goodman, Sadie	4,166.83
515990	Freedman, Maurice	4,361.54	448840	Giesel, Albert, or	116.64
468799	Fischer, Fred Henry	76.52	467897	Gannon, John T.	703.40
470539	Friedman, L.	46.58	180185	Gunderman, T. S.	5,419.79
104323	Flood, Francis R.	65.48	254517	Gault, Etta M.	1,413.28
467014	Fadock, Stephen W.	1,649.64	342030	Govan, Christina, tr.	275.45
453156	Fultob, Robert V., Jr.	101.30	346993	Griffith, James G.	15,414.97
456237	Flaherty, Anna C., tr.	732.32	354627	Gledhill, Laura	1,019.56
459100	Freed, Frances M., tr.	11,500.44	364418	Grubbs, John W.	249.72
479011	Fetter, Raymond A.	6,449.84	365671	Grau, Barbara, Estates	185.74
500821	Fitzpatrick, Helen L., or	108.54	369794	Golden, Mary J.	101.66
502695	Fischer, Betty W., tr.	87.51	453844	Glass, Martha, tr.	3,783.88
328915	Friedman, Peter C.	1,200.17	454973	Graham, F. Jane	217.40
365786	Flohr, Kathryn	36.46	455554	Gonet, John	1,960.66
410560	Flatley, Mary E., ward	188.52	456214	Griffith, Edgar Marshall	81.93
412252	Flick, Alice M., tr.	6,305.74	456318	George, Robert J., tr.	102.54
415113	Fleckenstein, George V., or	84.33	457225	Geiser, Mary	267.39
417690	Fishel, Katherine M.	1,208.09	478601	Gallagher, Mary Lois	223.72
484600	Fitzgerald, Mary, or	470.05	478611	Ganley, Margaret Jean	192.79
485525	Forsythe, Sarah H., tr.	96.73	478788	Goeller, Anna Marie	1,403.28
498427	Fulton, Robert J.	2,547.96	479841	Gross, Goldie C.	286.79
512957	Fitzgerald, Margaret M.	1,333.68	480636	Gnazzo, Angelina, tr.	91.74
523295	Fleck, Mary Pyle, tr.	227.15	481344	Goldman, Sylvia, or	161.21
414437	Fisher, Margaret J.	263.14	481946	Cicquelais, Jessie Mae	114.95
498730	Finegold, Wilfred J., or	109.58	491955	Gorman, Timothy J., or	683.86
497534	Frischman, Louis, tr.	30.33	491956	Gorman, Mary J.	3,197.52
419828	Fisher, Emma G.	4,178.66	492444	Gross, Goldie C.	270.41
428019	Fausnaught, Mathilda	236.77	493345	Center, Fred W., or	3,297.49
429322	Frankenberry, Robt E.	138.78	382432	Gryzb, Barbara, tr.	371.47
430417	Flis, Stany, or	996.46	402657	Grissel, Susan Arnold	17.82
430871	Ferguson, Britta Reed, tr.	107.04	406892	George, Dorothy L.	132.81
430995	Frederick, Blanche S.	271.23	410953	Griffin, Winnie	8,915.96
460445	Frost, Frank R., tr.	679.33	417235	Grunnagle, Agnes, or	2,237.74
463091	Fairfield, Charles G., or	21,544.02	483265	Gerhart, Madeline K. or	1,400.51
466345	Funk, William C., tr. and	353.73	485577	Goeller, John, or, tr.	17,888.52
466347	Funk, William C., tr. and	348.05	497835	Greenwald, Benjamin, tr.	5,531.67
506733	Fowler, Lillie	136.84	499132	Gfroerer, Franklin H., or	374.13
508811	Ferraro, Loretta, tr.	2,152.03	499969	Gruzewski, Helen, or	68.86
519048	Fink, Oscar H., or	1,307.11	512844	Goldman, Annette N., or	62.35
520032	Forden, Grace, or	217.13	513844	Greenblat, Dovir, or	1,762.52
520499	French, Louisa	1,208.49	523413	Gariarth, Lester E., tr.	92.97
520562	Finegold, Beatrice Sheffer	10,746.29	414455	Gessner, Agnes	402.67
520677	Fassinger, John J.	10,358.24	483262	Gourley, Margaret A., or	243.48
520793	Franks, Geo. F., or	557.77	498244	Goodstein, Alice	6,195.06
418610	Fording, Arthur C., Agent	112.37	499243	Gall, Theana	112.69
426553	Ford, Alma B.	53.67	499568	Gutowski, Jean, or, tr.	182.52
439837	Flynn, Elizabeth C.	88.49	499569	Gutowski, Jean, or, tr.	123.90
450900	Fullwood, Herbert S.	436.18	435210	Griffiths, Anne	4,997.96
			435237	Garr, Max, or	1,095.35
			439916	Garvin, Caroline L., Estate	4,100.71
			441629	Goeller, Clara P.	15,722.49
			494720	Green, Esther	106.77
			495236	Ginsburg, Sadie, or	737.47
			495482	Glass, Lu, Emma	1,388.06
			496125	Gilgen, Marie, or	734.13
			496562	Goeller, Richard A.	1,272.88
			496692	Gallagher, Rose	885.05
			503635	Grealish, Thomas E., or	90.00
			505134	Goldstein, Nancy S.	1,086.48
			505352	Gloekner, Francis J.	118.62
			521620	Gaggrero, Virginia	3,350.65
			522600	Guyton, Harris, or	107.19
			494257	Greeman, Constance A.	50.33
			503721	Garrow, John L., or	83.51
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114232	Hamilton, Louis H.	275.26	504552	Hansen, Peter, or	567.06
216233	Hermann, Emma J., Est. of	49.57	505345	Hartman, Harriet G., or	3,540.20
268870	Hanley, Anastasia, Est. of	391.77	521133	Hanna, Agnes M.	378.12
366335	Hochswender, Davis M.	183.27	521207	Huat, Frank M., or	86.49
393679	Holmes, Sarah G.	51.44	522189	Huber, Elizabeth M.	6,535.33
495069	Heard, Charles C.	106.19	522759	Helen, Edith, or	3,237.40
410477	Hoffman, Tillie, tr.	860.61	442574	Hay, Ellen A.	925.85
459061	Hayes, Maryk, Jr.	259.84	496200	Hiller, Esther, tr.	1,063.19
487895	Hanrahan, Catherine, or	76.19	443547	Hester, Margaret J.	12,492.72
477371	Hubner, William H.	24.60	443779	Haas, John J., or	1,355.72
486169	Heller, George H.	33.22	446883	Hammel, Charles L., or	646.97
488004	Hartman, Joseph V., or	61.36	447571	Hess, David J.	668.92
424982	Hardiman, Joseph M.	120.40	448229	Helmgold, Theo. R., or	190.47
428220	Hasley, Sally C., tr.	12,585.89	448519	Hagan, Mary H.	337.30
421999	Hatting, Harry G.	17,313.74	450455	Holleran, Thomas F., or	111.41
428726	Hensler, Laura M., tr.	217.58	450876	Hollywood, E. P., or	4,578.12
422958	Henry, Agnes E.	89.85	451512	Hess, Martha E.	320.85
418589	Herman, Beky	18,773.53	468101	Healy, Thomas E., & Rose, tr.	114.5
424571	Hilgartner, Mary M.	2,527.79	470648	Herward, Ellen, tr.	234.2
422526	Hillenbrand, Sophia, tr.	3,442.70	470737	Henderson, Etta S., tr.	197.04
430308	Hunter, Mary M., tr.	3,077.56	471437	Haines, Ellenora L.	77.35
462301	Hagen, Selma M., Atty.	264.83	510099	Hart, Virginia S., tr.	115.03
462418	Herzberg, Anna	3,608.34	510801	Heller, Alys M., tr.	5,356.77
462632	Hardy, Mae	258.85	511404	Hetzel, George T., or	1,242.28
466030	Heimann, Etta J., tr.	448.88	511679	Herlinger, Carl J.	501.20
506272	Hingeley, Ida K., tr.	1,342.57	511968	Hanlon, Amella T., tr.	1,789.08
506273	Hingeley, Ida K., tr.	2,061.94	515076	Haubner, Jacob W.	1,170.41
508405	Half, Gertrude T., or	127.56	516002	Hnat, Frank M.	72.14
508469	Hanlon, Amella Riedl, tr.	1,672.82			
519007	Hufnagel, Henry J.	9,549.82			
519666	Hall, Helen M., tr.	163.51			
519888	Hartford, Mary B. M.	5,440.27			
422320	Henderson, Alexander J.	3,879.08			
424126	Hutchison, Mary W.	1,186.81			
424224	Heckler, Mary Sparks	335.46			
431216	Hofscher, Gertrude M.	57.27			
433645	Holliday, Alice DeHaven	46.70			
441688	Heckert, Amelia S.	792.06			
506972	Hanna, Vista M.	57.13			
176678	Hamm, Lena	8,476.41			
252442	Highley, Ellen R.	485.04			
263734	Hudson, Sarah A.	856.13			
289165	Helzel, Amalia	417.13			
326018	Hickey, Jerome Joseph	10,553.77			
327385	Hoffman, Mary E.	5,367.28			
334036	Hoffman, Clara E.	5,562.08			
341761	Hopkinson, Elizabeth A.	15,716.49			
356065	Hall, Rae F.	269.56			
356224	Hughes, Sarah M.	95.77			
369224	Hormickel, Louise H.	8,689.81			
452578	Harris, Sarah	4,827.69			
452868	Harney, Katherine A.	602.65			
453527	Hildenbrand, Mary S.	1,269.43			
454383	Haller, Dorothy Miller, tr.	236.09			
456347	Hudson, Lillian B.	223.20			
458997	Havey, Mary J.	2,536.73			
479163	Hastings, Margie Josephine	74.50			
479662	Holmes, Andrew R., Jr.	6,568.84			
479910	Hahn, Walter J.	426.96			
480726	Hurley, Myrtle K., or	200.49			
481143	Henrich, Joseph H., or	409.02			
481458	Higgins, Emma, tr.	3,523.81			
492943	Hirschinger, Margaret	2,263.77			
500080	Hirsch, Margaret, tr.	1,218.90			
500254	Hurd, Hannah, or	105.87			
500627	Hartman, Bertha C., tr.	1,193.06			
325677	Horgan, Mary	737.06			
361978	Hill, Eliza	22.95			
492310	Heyl, Leow, or	31.56			
501374	Hamilton, James W. J., tr.	60.23			
381406	Hargnett, Minnie, tr.	39.30			
396644	Hardern, Martha I., tr.	3,179.66			
397289	Haney, Caroline P.	650.13			
397976	Hardiman, Edna R., tr.	1,323.26			
403289	Hodel, Charles F.	156.49			
407914	Hanlon, James, or	6,233.48			
408267	Huffling, Louis	959.25			
409375	Hahn, Dorothy	123.57			
411301	Hoffman, Agnes M.	27,401.34			
411819	Halpern, Lillian, tr.	1,232.41			
483582	Harrigan, Mary, or	2,113.15			
484633	Howe, Bertha	197.06			
497803	Hischer, H. Woodall, tr.	243.37			
498287	Howell, Mary G.	5,909.86			
498740	Hardie, Donald M., tr.	304.51			
498823	Henshaw, Anna A., tr.	2,688.17			
513788	Hickenboth, Esther	1,624.94			
514885	Henk, Harold R., tr.	83.75			
514958	Hartofilax, Rev. Vasilios	12,372.00			
523495	Hayes, James T.	3,252.16			
485559	Hack, Maude V., or	1,573.36			
485366	Hanna, John C.	52.66			
485940	Heckel, Henrietta C., tr.	57.06			
497116	Henze, Elizabeth, tr.	30.63			
498031	Hillard, R. Thomas J., or tr.	2,907.04			
433310	Halpern, Lillian C.	1,635.91			
435248	Hitchcock, Irma, or	10,270.80			
435433	Hay, Paul L., or	548.00			
437167	Hofmann, Albert G., or	1,529.15			
437501	Haller, Dorothy Miller	514.89			
440431	Hoffman, Mary E.	3,943.52			
494252	Hagan, James, tr.	1,656.37			
494506	Huber, Ruth Clara	468.75			
495330	Hay, Russell Clara	93.80			
503593	Hart, Virginia Scully	94.43			

397175	Kern, Richard, tr.	40.35	499774	Kerchensky, Edwina, or	121.49
405526	Kramer, Michael J.	5,690.28	513324	Kennedy, Alexander W., or	11,201.67
454575	Ketterer, Annie, tr.	80.01	514301	Kennedy, James, or	546.30
459967	Kane, Maggie, tr.	706.37	523286	Krosnoff, Alex, or	654.94
475135	Koteles, Mary	63.91	523695	Klein, William A., tr.	10,640.41
420224	Kreines, Moses S.	6,110.35	416640	Kerr, B., Louise, tr.	58.91
422034	Kritberg, Mollie, tr.	3,223.87	417407	Knowedel, Frank A., tr.	35.67
422399	Kelly, Howard N.	262.17	482640	Kell, Lawrence, or	11,630.05
422508	Kelley, Roy, or	840.43	485481	Kleinschmidt, C. Carl, or, tr.	197.11
425419	Krebs, Anna J.	2,772.62			
428825	Kennedy, Patrick, or	3,227.41		L	
429791	Keller, Ida	167.50	475679	Loftis, Mabel F., tr.	9,857.91
460583	Kempf, Joseph, or	10,794.91	477544	Levitsky, Julia, tr.	455.11
462126	Kennedy, Sadie A., tr.	209.67	477687	Lunz, Michael	171.72
462515	Kunze, Neel, tr.	5,979.07	477756	Lefton, Elizabeth, tr.	12,568.05
462516	Kunze, Edward	6,284.09	477949	Langan, Geo., or	6,794.08
506082	Kingsberry, James, or	346.68	486330	Lawrence, Charles R., tr.	114.64
506816	Kent, Ann R., tr.	76.78	486332	Lawrence, Shirley A.	501.57
508149	Kellt, Anna	115.84	487814	Lascola, Anna M.	5,854.81
508361	Kearney, Patrick J.	2,176.09	488119	Livingston, Christine, tr.	429.69
508804	Klemavich, Anna Marion, or	285.03	517600	Lubich, Joseph, or	331.84
508921	Kotler, Frances Stein, tr.	5,833.50	517758	Leightner, Robert A.	211.35
519778	Kroegher, Mary Eileen	760.31	307435	Lovett, Josephine	108.84
463241	Kerr, Louis B., tr.	59.72	313713	Little, Edna P.	691.44
508571	King, William C., or	67.15	356017	Laufman, Julia W.	83.89
433123	Kenning, Sam F., or	329.30	386368	Lowenstein, Sol	237.74
438047	Kelly, Howard N.	219.34	388117	Ley, Flora	221.24
440423	Kay, Lewis G.	59.35	457617	Lorch, Loretta H.	53.71
441179	Kovas, Emma A.	5,809.92	457813	Lane, William T.	122.11
441430	Koch, Wilma J.	132.84	459746	Long, Elmer O., or	99.12
441910	Kaiser, Monica	2,856.68	474803	Leger, Mary L.	30.73
494751	Kleiber, Marie G.	209.85	486576	Lubick, John S.	34.13
496274	Kasulin, Helen M., tr.	317.59	425187	Lacher, Ella Marie, tr.	3,589.31
503039	Kuharik, Mary B.	79.78	426544	Lawson, Anna M.	97.41
504803	Krynski, Edward H., tr.	3,339.50	429488	Leahy, Stella G.	3,210.83
505456	Kletter, George A., or	93.79	423601	Lindner, Maurice	148.00
522005	Kiems, Mary	1,424.34	430164	Little, Irene tr.	3,439.62
522935	Kohler, Rev. Wm. F., tr.	676.29	425404	Little, Irene E.	136.48
434795	Kay, Lewis G., tr.	58.50	426684	Longhenry, Mary	886.34
444230	Kilgore, Ellen C., tr.	87.45	425769	Lemp, William F., or	116.37
445175	Kravigny, Frank W.	211.60	460589	Lawther, Margaret, tr.	166.33
446204	Klavon, Rose B., tr.	219.29	463770	Liffert, George, tr.	144.39
446435	Knox, Thomas, or	144.44	464294	Landgraaf, Francis A., Sr., tr.	385.09
446967	Keller, Mary K., tr.	2,512.45	465984	Lamb, Grace Price	76.65
449327	Kirchner, Mary, tr.	981.59	466742	Lacher, Florence C., tr.	1,074.62
451901	Kilgore, Ellen C., tr.	117.17	507422	Laba, Julia	491.49
467030	Kolling, Margaret Mc	465.80	507809	Lorentz, Herbert T., Jr., or	4,037.09
467102	Konkle, Paul A.	2,444.22	508376	Lichtenthaler, Anna M., or	1,094.83
468624	Kaschub, Marion, tr.	131.93	519085	Liu, James T. C., or	327.25
469130	Kelsey, Emma W., tr.	468.35	519817	Levin, Pauline F., or	173.72
470491	Kelly, Edward J., and tr.	138.35	446930	Loftus, Ellen	76.91
470612	Kavchak, Anna, tr.	5,182.00	462484	Long, Margaret L.	35.26
509147	Kohl, Bertha, or	94.28	422149	Leightner, Charles J.	5,611.73
509552	Kennedy, William C.	2,011.76	425559	Lawson, Katherine J.	52.00
510428	Kerr, Mary E., tr.	3,033.76	462007	Levine, Helen, tr.	7,648.60
510989	Kern, Alfreda D., tr.	590.81	431379	Long, Adam R., or	2,428.72
510990	Kern, Alfreda D., tr.	818.94	433234	Leith, Virginia M.	1,359.36
510991	Kern, Alfreda D.	115.98	433380	Leptzig, Morrie	233.54
515380	Katz, Edward I., or	1,074.62	435593	Lea, Robert G., or	665.96
509145	Kassalin, Joseph, Jr., tr.	74.72	436831	Lees, Jennie	3,340.86
509146	Kassalin, (Jr.) Joseph, tr.	73.31	440863	Lewis, Emma R.	21,190.78
509202	Kovacs, Charles, tr.	11,291.99	441950	Levy, A.	598.47
270889	Kennedy, Sarah M.	2,088.20	495031	Leacock, Clara A.	613.90
270890	Kennedy, Margaret	1,411.06	495420	Lamb, James Ewin, Jr.	50.37
291117	Kearney, Bridget	239.14	495605	Lehmann, Mary Louise	862.20
298632	Krimer, Morris	2,881.84	496025	Lampus, Lena	5,657.96
300935	Kuprinski, Jessi	135.44	496185	Lamb, Grace Price	1,329.30
301452	Kletter, Amanda	2,227.88	496656	Lennon, John E.	10,546.16
321255	Keenan, Mary R.	303.60	496681	Linderman, Mary F.	2,034.98
355958	Koerner, Clara C.	4,598.97	504080	Luchetti, A. T., or	591.94
377589	Knight, Pearl	3,464.51	504127	Lesnieski, Frank J.	557.70
452933	Kelly, John J., or	205.08	504728	Levenson, Belle	1,302.34
453207	Kopstein, Helen M.	155.58	505701	Lampus, James E. Jr., or	5,219.74
454093	Klitchka, John F.	1,022.70	505818	Lingenfelser, Anna	198.47
456399	Keffer, Minnie E.	32.64	521325	Larva, Elizabeth, or	2,126.62
457958	Kuszajewski, Leonard J.	148.32	522185	Leiterman, Frank M.	10,208.96
458477	Knauss, Joseph A.	187.26	522290	Lenchner, Albert, or	1,025.12
479042	Kent, Anna R.	186.27	522412	Leff, Jennie S.	126.19
479745	Kuhlmann, Edward C., tr.	3,758.70	522428	Lazewski, Helene E., tr.	322.04
480024	Kelly, Erskine Ramsay	308.04	522578	Lindsay, Wm. H.	50.18
491649	Karpac, Helen A., tr.	1,552.16	522965	Lonsway, Rosemary F.	63.12
491984	Kovacs, Charles, or	7,613.97	495607	Lehmann, Mary Louise B., tr.	4,745.78
493080	Kent, Ann R., tr.	90.05	505987	Lewis, William F.	154.17
500045	King, Pauline Jean, or	91.07	175763	Lewis, Zetta M.	79.02
502637	Kelly, Mary, tr.	514.10	247877	Lackey, S. J.	119.60
328697	Kisk, Hanna Sofia	27.59	317710	Laird, Emma, tr.	78.93
491196	Kasper, Jos. F.	691.82	351595	Littman, Bessie	550.73
500803	Korneff, Katherine, tr.	53.72	454734	Levitt, Florence	151.30
380233	Kuehn, Clara	2,864.89	455090	Lawrence, Agnes B.	439.31
326710	Kemler, Jane	210.99	456991	Lemberger, Carl, or	196.89
398850	King, Catherine M.	932.56	457340	Lloyd, Jack R., Jr.	4,282.80
400479	Kepple, Grace E.	126.98	478482	Lauer, Elizabeth J.	239.01
401343	Kerr, Lizzie, tr.	27.64	479217	Lloyd, Edith, tr.	131.83
406077	Kennedy, Mae	155.19	479969	Lees, Wesley H.	1,147.20
415114	Kunze, Theima, or	133.60	480003	Laclair, Jean Erskine Ramsay	1,147.21
416050	Krenz, Anna M. E.	1,019.33	480871	Lysle, Geo. B., tr.	1,147.21
416247	Keller, J. Donald	768.64	481035	Lysle, Geo. B., tr.	6,223.33
483915	Kalb, Emily, or	298.51	481431	Lascola, Mary, tr.	4,447.32
484215	Kilimo, Elvera, or	2,577.03	491849	Leibhart, Albert J.	8,866.84
484321	Kelly, Jane S., tr.	328.19	493033	Larkin, Helen McKenna	191.97
484400	Kelly, Jane S., tr.	295.29	493115	Lydon, Edward	82.82
485102	Klein, Sador S.	475.58	500182	Levin, Zelda, tr.	7,759.49
485937	Kreiter, Edith M.	4,839.96	501587	Levenson, Norma	120.34
497367	Kuda, John, tr.	1,225.90	502270	Ley, Marilyn E., or	122.24
499591	Konls, Vera D., tr.	379.08			

502815	Leff, Florence, tr.	788.13	442932	Millford, Morie A.	375.10
187331	Lally, Augustan M.	23.22	496137	Miller, Bernard	202.03
445098	Ley, Anthony L., or	1,128.20	503399	Mikula, Joseph F., or	152.49
445517	Luterancik, Anna C., tr.	47.15	503594	Malone, Rose D.	137.90
447270	Lewis, James A., tr.	308.32	505288	Manning, Rita M.	5,373.12
450410	Levine, Edith B., tr.	4,788.15	521130	Muhl, Phyllis, or	97.98
451925	Langer, Liviette, tr.	348.21	521217	Mandl, Alma Rose, or	1,350.05
451926	Langer, Liviette, tr.	406.06	521788	Matuzeski, Helen L., tr.	559.80
467995	Lawrence, Mary M., tr.	127.70	521828	Madden, Wm. J.	861.48
470072	Lozik, Helen, tr.	246.10	521953	Murphy, Lois Jean, minor	538.42
471591	Lyons, Lawrence G., or	5,921.63	522390	Matuzeski, Helen L., tr.	557.48
472892	Lauper, George L., Jr., or tr.	116.25	522694	Martin, Rose, tr.	6,431.88
509848	Lacher, Otilie M., tr.	1,372.29	496575	Mendicino, James John, tr.	65.80
509849	Lacher, Otilie M., tr.	2,753.60	503145	Mitchell, John C., tr.	29.76
515298	Levine, Murray M.	4,015.16	504071	Muner, Albert A. J.	64.62
392446	Lentz, Catherine M.	2,203.41	505318	Michaels, Norma B., or	40.03
409141	Lawson, Archie S. (Jr.)	84.09	505321	Mulvihill, Richard V.	39.19
411469	Lieber, Rose S.	11,176.40	443661	Moritz, Max, or	11,293.93
417234	Lindsay, Gertrude M.	93.27	448203	Miller, Cora Esther, tr.	311.11
417934	Liff, Marian L.	10,038.68	448266	Maloney, Margaret M., tr.	3,551.64
483030	Lewandowski, John E.	164.20	448267	Mellon, Marian S., tr.	451.52
484082	Lynch, Francis J., or	1,139.13	449355	Mohler, John, or	6,842.58
485454	Lauterbach, Walter A., or	406.86	449569	Murphy, Irene C.	7,177.94
983303	Lewis, Carl C.	91.39	450854	Mulkerin, Bridget, tr.	694.61
983771	Latimore, Adele C.	138.77	451318	Messner, Ferdinand, tr.	2,379.07
512366	Levy, Blanche B.	694.86	467372	Machi, Mario, or	86.34
512422	Laufman, H. B., tr.	181.50	467599	Moran, Michael, tr.	2,356.96
512541	Lampl, Richard, or	101.40	468117	Munk, Sarah B., tr.	1,083.03
512542	Lampl, John, or	101.39	470494	Martin, Sherwood C.	134.28
513461	Leonard, Josephine, or	170.58	471639	Mullen, Alice H., tr.	366.50
523338	Lamley, Kathryn B.	1,902.58	471367	Mudder, Frank M., or	1,003.99
523683	Le Donne, Anna Marie, tr.	152.06	472224	Mazza, Lucy, tr.	697.02
473138	Lupori, Massimo, or	1,133.78	472225	Mazza, Lucy, tr.	697.02
485573	Lauffer, George L., Jr., tr., or	31.15	472226	Mazza, Lucy, tr.	697.02
497055	Levine, Rebecca, tr.	3,700.98	472227	Mazza, Lucy, tr.	697.02
499019	Levenrich, Clara K.	92.08	472580	Mahefkey, Anna F., tr.	409.48
			472805	Murphy, Elizabeth, tr.	1,480.44
			509070	Moratis, Mary, or	462.08
			509096	Martin, Bridget, tr.	1,002.66
			509657	Murray, Clifford N.	919.77
			509926	MacNaughton, Jr., Laurence, or, tr.	79.63
			511845	Mengato, Attilio, or	11,411.38
			515763	Morgo, Marian L.; John C. Bates, Atty. in Fact	4,571.01
			509925	MacNaughton, Laurence, Jr., or, tr.	67.78
			509982	Maujerovic, Katherine, or, tr.	82.78
			307016	Malatesta, Mary M.	8,118.80
			317978	Martin, Margaret A.	3,191.63
			317979	Martin, Nellie M.	1,791.20
			453373	Mykita, Dmytia, or	7,155.84
			453571	Munn, Annie E.	159.06
			454202	Matska, Andrew	2,618.41
			454640	Moll, Cecil, tr.	32.57
			455900	May, Carl F.	430.54
			457294	Metzger, Mollie E., tr.	266.05
			457295	Metzger, Mollie E., tr.	302.53
			459891	Miller, Jean Irene	639.27
			478225	Merchant, Catherine M., or	108.42
			458289	Matthews, Thelma G.	1,468.03
			479015	Mulgrew, Mary A., tr.	220.05
			479569	Martin, Catherine, or	334.68
			479845	Menges, Harry R., tr.	91.61
			480668	Metzger, Mollie E., tr.	1,514.41
			481265	Marvin, Kathryn L., tr.	4,764.21
			481529	Maganotti, Viola A.	468.01
			491441	Matters, John, or	828.72
			492442	Marchese, Eugene A.	33

Mc					
474079	McKee, Ida B., tr.	1,114.83	508617	Nash, Martha A., tr.	132.02
474822	McTaggart, Richard, or	235.27	434485	Norris, Annie C., or	443.19
487583	McCallam, Estelle M.	6,399.77	438680	Norris, Arthur M., tr.	105.67
489079	McCracken, Anna T., tr.	10,270.07	504788	Nolan, John F. Jr., or	80.59
517526	McDonnell, John or	457.61	505181	Nieman, Fred G., or	1,756.90
518402	McKenna, Elizabeth J., tr.	1,119.82	522201	Nardi, Gino	1,611.94
208708	McCulloch, Mary D., or	200.19	440365	Neely, Helen D., tr.	282.10
314079	McCullough, Peter	371.51	505143	Nicklaus, Harriet G., tr.	73.16
328381	McDowell, Sarah R.	81.92	297646	Neely, Ellen M.	121.18
356513	McLaughlin, Annie, Est. of	1,507.19	324958	Nygreen, Catherine	836.67
369025	McCortney, Martha	265.34	373553	Nicholson, Clarine	704.12
371199	McKallen, Jane, Est. of	1,430.32	455848	Nolle, John Louis	196.72
384294	McClain, Elizabeth Z.	305.30	457590	Nome, V. David	55.86
389175	McCoy Thomas	2,796.24	478449	Noyes, Ernest C., or	2,127.78
409653	McGough, Hugh, or	105.56	478742	Novak, Joseph F.	1,138.13
460782	McLaughlin, Margaret E.	1,303.40	479594	Nicholson, John F.	578.81
388080	McCue, Mary M.	2,947.51	481632	Nicklas, John H., or	90.39
407386	McMeekin, Beatrice I.	218.78	405548	Nee, Bartley	1,255.04
412035	McGinley, Julia	2,483.47	484919	Nugent, Anna M., tr.	2,945.82
417251	McKean, H. Robert	2,932.60	523926	Nath, Michael J., or	1,085.21
498358	McClaren, Samuel M., tr.	121.93	414356	Neish, Martha, tr.	41.64
498359	McClaren, Samuel M., tr.	121.93	483040	Norris, Margaret I., tr.	498.45
498360	McClaren, Samuel M., tr.	121.93	O		
498425	McClaren, Samuel M., tr.	121.93	473686	Orstadt, Margaret L., tr.	241.95
498426	McClaren, Samuel M., tr.	121.93	487131	Orr, Robert D., tr.	104.65
514801	McLaughlin, Mary G., or	1,400.77	489445	Otto, Gertrude, tr.	214.92
483158	McElwee, Kathryn O'B., tr.	1,036.21	323041	O'Connor, Mary	2,160.14
483614	McMillan, Letitia, tr.	921.85	368742	Olszewski, Stanley	512.73
432312	McNally, Edward, or	3,790.37	377563	O'Boyle, Annie	410.93
437213	McKeag, Helen S.	171.81	477457	O'Toole, Ethel V.	278.55
496734	McElwee, Kathryn O'Brien	238.91	422805	O'Toole, Stephen A., or	595.43
496807	McMurray, L. Maynard	95.57	520561	Oppenheim, Shirley Sheffer	12,653.05
503429	McMorris, Virginia W.	401.51	419166	O'Donnell, Cathryn	198.53
505937	McCabe, Sophia C. D.	3,260.60	423400	O'Brien, Lecetta	96.12
522282	McElwee, Kathryn O., tr.	844.75	453184	Oliver, Emily F., and	621.28
522314	McCarthy, Alice	4,298.51	468803	O'Hara, Walter A. (Rev.)	8,089.64
522334	McConnell, Alexander, or	6,052.95	516544	O'Donnell, John B., or	107.44
449165	McCabe, Edan S., tr.	69.57	449954	Ozanich, Anna Dulavich, tr.	34.49
468162	McMillan, William, tr.	283.23	378888	O'Hare, Catherine	8,946.46
468163	McMillan, William, tr.	283.23	452708	Oinhausen, Marie A.	3,935.48
468164	McMillan, William, tr.	283.23	458078	O'Reilly, Alexina C.	8,764.04
468742	McKee, Catherine E., tr.	2,266.04	458503	O'Reilly, Madeline C.	1,484.19
470383	McDowell, Wm. P., or	131.61	492026	O'Neill O. D. Mary, tr.	376.58
472511	McDougall, George, or	339.06	389132	Ott, Elizabeth M.	6,711.99
509626	McGowan, Helen C., tr.	1,010.79	483613	Opacic, Stojia, or	479.38
510707	McDermott, Wilson S., or	1,095.15	498055	O'List, Thomas, tr.	2,140.73
511336	McClaren, Samuel, tr.	112.20	513799	O'Donnell, Coleman, tr.	4,955.52
515136	McConnell, Mary, or, tr.	19,285.49	P		
515324	McAuley, Agnes, or	1,074.62	473257	Popowich, Tillie, or Fox, Martha	455.89
515406	McCann, Edna R., tr.	2,834.77	473764	Price, Katherine J., tr.	291.77
515848	McNamee, Martha O., or	1,576.96	473916	Parmigliani, Julia, tr.	451.30
516466	McClean, Betty, tr.	464.29	476850	Peck, Clarence E., or	250.53
449497	McAleer, J. Stanley	126.59	486233	Paoliyak, Marion L., tr.	214.60
470017	McKenna, Thomas J., or	1,179.72	486486	Parkin, Charles M.	532.61
221544	McNaughton, Anna	21,195.04	489938	Pelz, Alfred E.	3,801.82
235392	McCourtney, Mary	6,971.71	490017	Pucher, Frank, tr.	1,041.55
333909	McKenna, Margaret C.	132.82	490257	Pearce, John J., or	76.42
361129	McCallen, Alice H.	338.10	517304	Pandolph, Joan G., or	591.50
452034	McMurray, L. Maynard, and	90.27	99775	Est. of Paganl, Mary	89.93
454738	McCarthy, Joseph D.	168.06	220385	Pontius, Louis	1,296.35
458986	McKay, Marian K.	1,263.09	366959	Pisano, Angelmaria	152.88
478055	McHugh, Lee L., or	192.38	397031	Pfannkuck, Fred C., tr.	180.97
491937	McClintock, Priscilla Y.	1,775.50	486764	Patton, James M., or	25.65
492221	McCormick, Alberta B.	4,947.80	420714	Portman, Edward L.	77.28
500920	McMaster, Frances B.	1,353.69	426270	Procopio, Edna Y.	243.45
326777	McCauley, Mamie	257.90	464752	Price, Charles P.	665.71
523129	McGinley, Laura, tr.	3,243.36	506108	Phillips, Mary Louise, or	588.00
424851	McCallam, Estelle	18,665.43	507233	Pachucus, Alberta V.	1,739.20
423732	McCue, Velietta	187.31	507481	Parks, Jean Davison, tr.	87.90
426050	McIntyre, Anna	1,703.88	520191	Pavlicek, James F., or	330.35
421150	McNamara, Nellie L.	843.58	520352	Porter, Myrtle S., or	397.44
422189	McFarland, John, or	1,396.66	520607	Pauley, Mildred I.	91.37
422925	McQuillan, Brothers	519.55	427016	Perrin, Geneva	48.28
460448	McGowan, Helen C.	2,103.25	445426	Padgett, Eleanor	2,333.79
460493	McCredie, John W., tr.	631.43	433633	Pagel, Minnie J., tr.	132.54
460528	McCarthy, Blanche M., tr.	896.20	437429	Pgh. Coal Mining Institute	292.79
462312	McLaughlin, Bernard, tr.	543.26	495406	Pelz, Alfred E.	2,554.76
462405	McHugh, Joseph, and	199.20	504014	Pugh, Jack, tr.	116.77
462676	McIntyre, Elizabeth Hazel, tr.	295.64	504264	Phillips, Henry J., tr.	1,053.23
465237	McCarthy, Julia A.	296.41	504288	Prescott, Wm., or	13,201.90
466552	McCartney, Charles E., or	197.61	504292	Porter, Regina M.	493.06
506734	McClaren, Samuel M., tr.	113.56	505963	Peppel, Virginia Lee	117.17
506735	McClaren, Samuel M., tr.	113.63	522571	Peters, Twila B., tr.	107.19
507656	McShea, Mary Margaret	237.62	522830	Peplowski, Wladislaw	7,364.05
507778	McCrory, William J., or	6,981.47	448360	Prenovitz, Sam	404.42
519024	McKelvey, Elizabeth M., or	109.34	448316	Pearls, Arda Fay K.	453.12
519414	McCord, James, tr.	5,305.60	449790	Park, Margaret D., tr.	112.36
519913	McHugh, Catherine M.	438.97	449791	Park, Margaret D., tr.	112.36
462746	McArdle, William H., tr.	34.42	467427	Penwell, Ruth R., or	112.52
N			468830	Price, Katherine J., tr.	310.21
477403	Naughton, Anna M., tr.	2,030.35	469676	Pensyl, Wm. E., or	120.53
517902	Nickols, Esther	264.90	470831	Parks, Jean Davison	1,320.25
391532	Neff, Annie	224.75	471606	Parks, Jean D., & tr.	1,632.67
409185	Neary, John F., or	1,228.40	509253	Penner, Rebecca, tr.	6,276.40
412820	Nelson, John R.	56.37	509764	Pelz, Alfred E., or, tr.	1,873.51
474560	Nolan, Edward	4,329.81	509765	Pelz, Alfred E., or, tr.	1,556.69
487180	Nicklas, Russell J.	259.97	511403	Pfeiffer, Lena C., or	10,391.73
470886	Nutter, Vivian H., tr.	243.04	511833	Piroth, Blanche M., or	1,831.27
510536	Nieman, Dora	2,116.53	515011	Plevin, Benjamin, or	4,336.32
421671	Norris, Annie C.	2,833.18	471376	Pesley, Goldie P. tr.	5,944.79
423189	Norris, Arthur Melvin	1,125.38	240160	Phillippi, Isaac N.	3,028.12
462045	Neely, Helen D., tr.	377.89	338198	Powers, Frank Irwin	966.03
508379	Nickolas, Edward Leo, or	1,564.14	346035	Patanko, Maria	394.70
			347990	Paulson, Willa J.	1,582.39

352289	Pfabe, Andrew J.	12,163.18
355463	Pettersson, Anna	7,157.61
374303	Pedder, Margaret M.	715.10
452358	Phillips, Mary D.	1,663.95
452774	Pye, Martha R.	283.13
452994	Petrusch, George	61.70
454764	Patterson, Mary A.	9,040.69
455185	Patton, John, or	147.95
456302	Powell, Edwin R., or	79.82
480662	Pearlman, Elinore S.	2,792.26
480820	Pickering, Thomas E., or	115.89
481584	Phipps, Adelyne Hood	1,073.74
491450	Petrusch, George R., and	75.08
491465	Plvak, John M., or	1,216.34
491587	Petrokas, Anna	2,044.94
492506	Prescott, John T., or	309.62
500381	Parmiglianni, Cecelia, tr.	1,046.55
501261	Pinto, Hannah B., tr.	439.93
502938	Platt, Ella May, tr.	387.32
454346	Pensom, Elizabeth P.	33.61
391042	Pleasant, Carrie	2,293.85
408269	Pittler, Rose	427.59
416746	Parobok, Tekla, tr.	1,778.19
482751	Pugh, Jessie, tr.	110.42
483489	Piro, Carmine Salvatore	7,890.81
484556	Palmer, William H., tr.	68.66
499423	Petrucio, Pietro, tr.	1,662.79
499474	Peiz, Alfred E., tr.	3,805.50
512864	Press, Hilda S., tr.	8,955.73
513858	Paul, R. W., or	3,555.85
523472	Plunkett, Lester, or	2,938.11
523649	Pacetti, Domenico, or	8,123.13
484739	Ponicali, Frank M., Jr., or	568.87

Q

483773	Quimby, A. E., or	134.17
464451	Quinton, Christine	1,379.94
495305	Quimby, Charles Earl	2,135.15
504680	Quinn, Ann Orr, or	990.93

R

473381	Ryan, Robert, or	1,185.95
475785	Roscoe, John S., tr.	166.86
475786	Roscoe, Dorothy W., tr.	442.09
476296	Robinson, Mary, tr.	621.78
487445	Raum, Dorothy J.	261.23
490847	Rhea, Velma D.	6,115.45
517063	Rote, Geraldine F., or	117.90
518838	Roy, James D., tr.	548.52
149506	Reynolds, William	200.51
240357	Ramsay, Daniel S.	146.87
331147	Rafferty, Katie	149.44
380144	Rimkus, John	1,160.99
392224	Riedl, Oswald	69.81
397153	Reed, Eva B., tr.	217.15
400083	Riesmeyer, Georgia E., Est.	616.31
405580	Robinson, Thomas A., tr.	73.57
466193	Rupp, Henry E.	760.71
489190	Ridinger, Mary W.	166.35
487057	Reilly, Andrew J.	22.12
383597	Ritchey, S. Elizabeth	1,116.23
388167	Ralston, R. S., tr.	1,447.93
397037	Roessler, William	76.06
399737	Rust, Amelia W. L., tr.	218.86
414112	Ross, Edwin B.	228.39
484380	Reese, Gertrude, or	1,197.76
497719	Raczka, Zanna	1,022.91
499090	Rumbaugh, Viola Maud, or	866.56
499956	Russell, W. M.	1,608.10
512453	Rust, Byron C. G., or	137.66
512531	Riesmeyer, Martha A.	802.53
523384	Rosenstock, Philip; and, Pinsky, Benjamin, tr.	10,666.88
523916	Robson, Thelma M., tr.	3,277.59
485558	Rippl, Elsie	1,912.33
482762	Redmond, James S., or	157.35
484888	Rothstein, Estelle A., tr.	2,144.27
425196	Regan, James J.	112.45
462876	Rosenberg, Mollie, tr.	198.97
463055	Rodgers, Marion E.	604.83
463984	Runger, Edith	279.79
466420	Reeg, Louise E.	3,835.64
466605	Rosenberg, Louis	1,052.22
466921	Reinert, Dolores Jesse	206.21
507610	Rummell, William David, Md., or	147.18
508064	Ritz, Mary, tr.	696.29
508148	Rife, Dorothy, tr.	473.14
508330	Riedl, Julia	1,172.21
508999	Ruber, John J.	340.84
519551	Rowan, Isabelle H., or	2,938.16
520687	Rothaus, Betty, minor	538.11
433902	Roos, Bernice E. L.	100.45
503772	Raikes, Edith M.	17,645.23
436721	Reed, Emma, tr.	2,278.41
437495	Reed, Jennie	4,738.95
439113	Rosey, Katherine M., tr.	4,590.43
442493	Reuschlein, Isabella	10,120.13
494498	Rubenstein, Boris	126.48
496012	Reichl, Samuel, tr.	1,487.15
496053	Rom, Cecil Becker, tr.	290.02
505140	Rizzuto, Louis A., or	150.33
522068	Radaker, Ernest H., or	311.68
522415	Rizzuto, Louis A.	266.67
522618	Rees, Anton P., or	535.97
440295	Rumlin, Matthew, or	103.14
494031	Russell, J. Parker, or	201.79
444333	Rankin, Dorothy H., tr.	551.96
444944	Russell, Elizabeth T.	9,359.06

451099	Rovnan, Cyrill, tr.	77.47
467145	Rittle, Henry I., or	71.61
467327	Reisinger, John, tr.	80.78
470003	Ridenour, Mary A., tr.	2,662.05
471212	Reeher, Grace, tr.	149.71
472789	Radawitz, Mary A., tr.	516.07
472790	Radawitz, Anthony J., tr.	516.07
472791	Radawitz, Edward P., tr.	516.08
511600	Rimer, Mae S., or	1,169.31
511618	Roth, Dora, or	20,972.73
516850	Rolfe, Frances A., or	1,300.62
509245	Roehm, George, or	1,658.13
123774	Robinson, Kate W.	8,459.22
144249	Rees, Elizabeth E.	1,386.35
265801	Rankin, Harry C.	2,030.58
294065	Reed, Alice E.	584.96
317507	Rose, Agnes L.	16,783.29
345189	Remaley, Jane	1,499.37
346310	Rapp, Anna K.	674.75
347703	Reade, Emelle B.	266.43
361770	Rogan, Louise	1,114.55
368271	Rutstein, Ethel	4,340.90
453724	Reland, R. A.	190.80
454397	Rihn, Anna Marie	54.61
455734	Roessler, William F.	79.37
455785	Robinson, Helen	159.82
458092	Richardson, Raymond M.	70.74
459084	Rabold, Emil J., and	431.91
480014	Ramsay, Robert Erskine	131.83
480037	Rebhen, Chas. W.	299.22
491335	Rauch, Peter, or	1,505.70
491554	Ries, Frederick William	307.06
492688	Roberts, Mary C. Wolf	371.23
493401	Rosenberger, Joseph M., or	247.13
493718	Reed, Carl William, or	184.45
500116	Reed, Virginia C.	89.20
500518	Ratowsky, Dr. William, or	1,082.92
501172	Reed, Ruth M., or	1,013.07
501473	Rossmann, Frederick G.	156.56
501944	Ridich, Walter, tr.	4,056.07
502462	Ruggeri, Margaret, tr.	106.21
205891	Reutzel, Maggie	29.22

S

473613	Salisbury, Elizabeth G.	1,998.41
473696	Stayduhar, Joseph E.	3,426.16
473698	Seskey, Amelia E., tr.	12,430.30
476569	Sanders, Marie A., tr.	273.16
477619	Scheidell, Edward G., tr.	114.64
486015	Salisbury, John R., Jr., or	1,633.73
486033	Stugan, John J., tr.	129.01
486316	Spiers, Wilma	328.60
486568	Sterling, Norman L., or	83.72
486569	Sterling, Norman L., or	83.72
486570	Sterling, Norman L., or	83.72
486638	Schenck, Edmund J.	115.73
487631	Samuels, W. C., and	106.44
487710	Smith, Harold P., or	116.28
488294	Scott, Elizabeth F., or	703.26
488871	Stenson, Samuel, Jr., or	3,528.15
489324	Singleton, Sarah H., tr.	961.80
490065	Schmidt, Frederick, Jr.	91.43
490201	Scheib, Raymond L., or	94.39
490471	Schwartz, Paul H., or	407.97
490488	Snitzer, Lawrence H., or	2,538.33
490526	Shannon, Mae V., tr.	3,295.01
517162	Sacklowsky, Ethel, tr.	1,088.05
517813	Sporck, Mary E., and	11,970.14
518073	Singer, Leonard J., or	136.16
518096	Sacca, John A.	660.40
518987	Sawastenok, Swells, or	820.01
155082	Sweeney, Alley, Est. of	2,253.19
203925	Schoffnit, Leonora H.	364.64
329825	Simcik, Annie	3,695.88
372484	Silberman, Max R.	99.12
391184	Schumacker, Elizabeth	111.19
396789	Smith, John	1,341.94
474264	Schwer, Paul R.	705.82
473350	Schad, Joseph A., or	47.88
475287	Shaffalo, Minnie	34.58
476342	Stevenson, Mary W.	34.44
483591	Sweda, Mary, tr.	38.76
484815	Slean, Alicia	2,487.82
498888	Schnickel, Sylvester F.	30.37
447115	Starzewski, Helen	574.69
450702	Siergiej, Piotr	2,511.54
462845	Sharpless, Richard K.	350.66
425682	Smith, Alberta B., tr.	20.14
460538	Sanders, Herbert D., and	58.35
509126	Schano, Eleanor	341.78
422314	Savage, Agnes	343.01
427752	Schafer, L. Pearl	328.57
420684	Schenk, Clara A.	1,576.10
428106	Shannon, Annie, tr.	2,309.04
430363	Sieminska, Mary S.	197.87
420320	Simpson, Cora	82.23
423945	Sproul, Sarah, tr.	1,352.21
422362	Stormwind, Abe L.	514.46
421331	Straka, Joseph P.	306.62
418736	Stugan, Mathilda E.	213.83
423632	Sullivan, Annie, tr.	3,904.33
429725	Sutter, Mary A.	1,406.46
460918	Sacklowsky, Ethel, tr.	1,066.91
460946	Sherman, W. J.	996.91
462468	Schmidt, Elsie Krauth, tr.	927.33
463261	Sheetz, Edwin F., tr.	253.61
463967	Scott, Anna M., tr.	263.44

463975	Stanchick, Thomas, tr.	1,319.50	331161	Stevenson, Nellie G. Smith	303.31
464598	Scheetz, Edwin F., or	455.35	337510	Stirling, George W.	146.79
465251	Sauder, Walter J.	3,809.62	344012	Stone, Jennie S.	90.01
465550	Sheridan, Mary Eleanor, tr.	247.02	366683	Speer, Libbie	437.39
465766	Sheridan, Mary Harris	325.43	369776	Stiteler, Katherine P.	59.98
466997	Sappie, Rose M., tr.	1,470.60	370138	Slanina, Elizabeth	10,535.09
506140	Salskovich, Donald, or	79.15	373902	Stitler, Katherine P.	68.45
507347	Snider, Morris, tr.	349.34	377868	Siger, Anna	1,848.71
507786	Snyder, Genevieve B., tr.	4,352.23	452154	Snyder, Anna F.	364.44
519032	Seltzer, Dorothy	109.45	452314	Seager, James L.	50.12
519925	Stauffer, Paul C., or	133.22	453725	Steinbrunn, Tillie M.	4,498.37
520046	Sappie, Mary L.	13,218.15	453935	Sarsfield, Anthony, or	7,204.06
520842	Slaybaugh, Virginia E.	898.37	454169	Statler, Walter R., or	4,664.88
426987	Schmitz, William H.	93.74	454427	Stapsy, Katherine, or	109.63
429713	St. Andrew's Church	72.92	455532	Stepping, Philip J.	122.31
435648	Seymour, Frederick T.	306.61	456093	Scannell, Josephine M.	244.10
437474	Smith, Margaret Hare	71.87	456425	Scarpace, Larry	6,556.41
441593	Schade, C. T.	340.61	456562	Smith, Robert W., and	202.48
443698	Summerville, Lena	59.40	457500	Stanley, Mary E.	245.25
443900	Steinacker, Raymond	91.47	457546	Seskey, Raymond L., or	253.43
445239	Smith, Margaret Hare	71.87	457623	Stock, Mary	63.75
431257	Schmidt, William F.	10,746.29	458576	Smyers, Alexander M., or	2,561.06
431278	Schlereth, Anthony	2,790.51	458606	Stevenson, Mary W.	74.79
432444	Siegwarth, William J., or	107.71	478111	Sullivan, Walter D., or	248.31
435511	Scott, Sara B.	429.02	478255	Speer, Howard L., tr.	78.23
437552	Sell, John G.	113.12	478841	Steinbart, Lee, tr.	1,255.10
438094	See, George W.	230.47	479741	Swan, Robert III, tr.	1,513.82
438342	Stevens, John R., tr.	2,787.01	479931	Saulis, Anna, tr.	179.17
438965	Shissler, Margaret	246.37	479979	Stobie, Phyllis, tr.	534.22
439098	Selden, Elizabeth	838.26	480206	Schindler, Grace A.	87.09
440901	Stultz, Helen	615.75	491137	Stoner, Elizabeth P., tr.	132.58
442489	Singer, Myer W.	140.86	491164	Steln, Lawrence D., or	6,294.17
442866	Smith, Robert W., or	105.94	491276	Stending, Marie C., tr.	95.62
494177	Scheib, Raymond L., or	188.10	491614	Sugden, Edmonds J., or	1,088.19
494260	Scully, Bertram J.	2,412.64	385860	Schwartz, Libbie	5,867.53
494601	Schmidt, Henry W.	90.94	393307	Siger, Anna	161.34
495030	Scully, Marion C.	3,778.21	396656	Stiteler, Katherine P., tr.	101.34
496940	Seltzer, Matthew	22,305.05	398617	Sylvain, Carolnie B.	85.19
503697	Stengel, Ronald P.	763.67	399652	Snyder, Park McK.	168.37
504545	Sodini, Elide	21,936.53	406493	Stubbe, Gertrude, tr.	351.04
504553	Soller, Patricia Brady, tr.	105.75	406832	Schade, Jacob J., or	549.87
504582	Scanlon, Kathryn R., tr.	135.53	408799	Stiteler, Katherine P., tr.	103.13
505977	Smith, Mabel E., tr.	1,089.05	408969	Sokoloff, George, or	111.72
521224	Skindzier, Michalenia, tr.	1,101.99	410955	Schroedel, Edith F.	222.70
521401	Skadish, Frank J. M., or	832.11	412678	Stack, Rena	2,527.37
522048	Stephen, Martha, tr.	4,382.27	414218	Slater, Theodore G.	193.15
522423	Shuterly, Gertrude E., tr.	4,359.33	482054	Schechter, Sam	184.79
522816	Schroeder, John	1,069.33	483317	Schreiber, Joseph John, or, tr.	95.04
522912	Solier, Carolyn W., tr.	106.93	484541	Solomon, Julian, or	274.78
524205	Selbert, Ella	7,412.91	484949	Sherry, Helen	1,362.49
494152	Scharding, Margaret	62.16	484994	Schaffer, Rose A.	1,930.44
494601	Schmidt, Henry W., or	90.94	485626	Szatkowski, Stella, or	496.41
495264	Seltzer, Dorothy T., tr.	351.30	485992	Soller, Patricia Brady, tr.	331.77
505457	Stevens, Davis P., tr.	40.71	498223	Stark, Mabel P., or	118.06
443412	Schoetz, Edward F., in tr.	335.67	498504	Santarelli, Rose Marian, tr.	6,118.50
443977	Schollert, Arthur M., tr.	106.76	499381	Schwartz, G. N. Ross, tr.	435.12
444611	Schmitt, Ida	2,271.10	499511	Scott, Ruth B., or	101.23
447823	Straub, Walter, tr.	1,374.52	512065	Slicker, Rebecca, tr.	1,056.54
447908	Smith, Clara B.	7,683.10	512188	Smith, Lucille Z., tr.	181.09
448782	Shannon, John A.	546.58	512239	Shallenberger, Emma, tr.	3,245.87
450075	Shimer, F. D. and Helen A., tr.	865.35	514514	Sincell, Valetta I., tr.	1,579.47
451189	Shallenberger, John M.	321.36	523458	Schon, Lillian H.	4,337.70
451496	Stewart, Earl	7,578.77	523577	Smith, Esther, tr.	159.57
467218	Stoner, Elizabeth P., tr.	129.19	523618	Sekowski, Jane A., tr.	2,128.07
448021	Sittler, Edward L., Jr., or	1,519.80	385303	Seymour, Lansing S., tr.	112.15
468984	Schroeder, Alice W., tr.	165.25	404122	Smith, Lillie M., tr.	255.33
469160	Scott, Louise E., tr.	147.11	482800	Sadauskas, Andrew, or	190.58
469604	Senkbell, Fred C., or	277.00			
469724	Starz, Charles H.	1,775.70			
470246	Schmitt, Minnie	994.99			
470702	Sheridan, Mary H., tr.	179.07			
469169	Schindler, Grace A., tr.	81.88			
147953	Schmidt, Elizabeth J.	353.78			
472487	Schmertz, Louis Jr., tr.	1,308.10			
472964	Sandstrom, Bernadette	136.67			
509104	Schwab, Emma E.	308.03			
509221	Smith, Edward S., or, tr.	477.09			
509957	Shalley, Kitty W., tr.	367.25			
510018	Shields, Helen L., tr.	65.12			
510468	Sichelstiel, Ruth E., tr.	129.07			
510909	Smith, Rose C., tr.	892.01			
511042	Saleik, Anna, tr.	65.40			
511527	Shandor, Anna M., tr.	1,095.11			
511665	Snyder, Harry L., or	2,852.83			
511971	Sirlin, William, tr.	1,755.17			
515523	Stearns, Harriet S., tr.	2,055.32			
516532	Speed, Robert M., or	136.65			
492059	Stephens, C. Bernadette	19,346.40			
492136	Stadfield, Harold R.	4,891.95			
493789	Stover, Gilow	2,462.70			
500360	Smith, Kathryn E.	2,193.52			
500363	Stampahar, Louis J., tr.	508.74			
500569	Sekdarian, Vahe	6,122.70			
500671	Soisson, A. E., or	144.03			
501332	Sauer, Hazel M., tr.	110.25			
501421	Schweitzer, Frieda	1,656.91			
502889	Scott, Robert	2,456.60			
502940	Serbin, Rose, tr.	6,987.73			
263970	Smoot, Maggie	62.95			
332189	Spence, L. Isabel, tr.	50.51			
332878	Sutton, Mary A.	1,325.19			
365896	Struble, Elizabeth M.	31.85			
376649	Stewart, Wm. B.	298.61			
493576	Stuart, James A., Sr.	62.15			
493780	Snider, Morris, tr.	31.13			
501618	Slamina, Conrad E., or	58.47			
523075	Speer, Hope F., tr.	1,069.34			
163399	Sutter, George S.	325.62			

Before me, the subscriber, a Notary Public of the County of Northampton and Commonwealth of Pennsylvania, personally appeared on the 15th day of December:

1959, W. E. Spatig, Assistant Secretary of THE LEHIGH COAL AND NAVIGATION COMPANY, who being duly affirmed according to law, did depose and say that the above statement is just and true to the best of his knowledge, information and belief.

W. E. SPATIG

AFFIRMED AND SUBSCRIBED

before me the day and year aforesaid.

STELLA R. BEAM

Notary Public

My Commission expires: 9/8/61

THE LEHIGH COAL AND NAVIGATION COMPANY

528 North New Street, Bethlehem, Pennsylvania

W. B. JOACHIM, JR., Secretary

W. E. SPATIG, Ass't Secretary

December 15, 1959

TO THE SENATE AND HOUSE OF REPRESENTATIVES
of the Commonwealth of Pennsylvania
in the General Assembly met:

In compliance with the requirements of the 19th Section of the Act of Assembly, passed March 20, 1818, entitled "An Act to Improve the Navigation of the River Lehigh," I wish to report that no tolls were received on the Lehigh Navigation during the year 1959.

Very truly yours,

W. E. SPATIG

Assistant Secretary

COMMONWEALTH OF PENNSYLVANIA: }
COUNTY OF NORTHAMPTON : ss

Before me, the subscriber, a Notary Public of the County of Northampton and Commonwealth of Pennsylvania, personally appeared on the 15th day of December, 1959, W. E. Spatig, Assistant Secretary of THE LEHIGH COAL AND NAVIGATION COMPANY, who being duly affirmed according to law, did depose and say that the above statement is just and true to the best of his knowledge, information and belief.

W. E. SPATIG

AFFIRMED AND SUBSCRIBED

before me the day and year aforesaid.

STELLA R. BEAM

Notary Public

My Commission expires: 9/8/61

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PROPERTY AND SUPPLIES

HEALTH SERVICE ANNUAL REPORT
AUGUST 1957 TO AUGUST 1958

Total number of treatments to State Employees . . .	4400
Total number of treatments to State Senators	13
Total number of treatments to State Representatives . .	27
Total number of treatments to Non-State Patients . .	145
Total	4585

176—Patients referred to Private Physicians.

90—Accidents reported to State Workmen's Insurance Fund.

4—Sick patients sent to the Hospital in the ambulance.

4—Sick patients sent home in a State car.

1—Deceased.

Esther D. Feiser R.N.

	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Total
Blood Pressure Checked	65	34	47	37	23	50	39	88	62	55	63	59	622
Burns	3	4	6	1	2	4	3		5	8	2	6	44
Cardiac Cases	1					1							2
Colds & Sorethroat	75	41	152	60	54	126	110	85	103	44	68	31	949
Dermatitis	4	1	9	3	2	3		8	13	5	3	14	65
Dysmenorrhea	21	8	11	13	7	16	13	14	20	17	12	21	173
Epistaxis	2		2	1			1			1	1		8
Eyes { Foreign Body	4	2	7	2	3	3	2	4	4	4	6	6	47
{ Conjunctivitis	4	19	7	12		9	6	13	8	10	24	14	126
Fractures						2						1	3
Gastro-Intestinal disturbance	51	23	49	22	32	42	44	31	33	60	47	57	491
Headaches	21	28	30	28	14	26	19	35	26	41	25	35	328
Herpes	6	6	4	5	2	12		3	4	5	13	22	82
Infections (Skin)	12	6	12	5	7	7	7	3	8	9	9	9	94
Injections & Inoculations													
Hay-fever	8	7	3	1	2	2	3	3	3	1	6	8	47
Physicians (Special Rx. ordered)	41	28	35	20	19	40	32	42	35	36	34	28	390
Insect-bites		3									2	14	19
Nervousness	7	7	13	11	6	7	10	13	10	8	7	10	109
Pains (Rheumatoid, Etc.)	13	6	23	16	7	17	9	18	6	13	19	5	152
Redressings	50	15	43	26	9	28	30	31	55	24	33	53	397
Splinters—removed	8	1	5	2	3	3	3	2	4	6	3	3	43
Sprains	6	4	19	10	7	16	8	10	16	23	5	18	142
Wounds—All Types	20	12	21	11	11	29	22	22	19	29	25	31	252
Monthly—Total	422	255	498	286	210	444	361	395	434	399	407	445	4585

SAVING FUND SOCIETY OF GERMANTOWN
AND ITS VICINITY

5458 Germantown Ave., Philadelphia 44

January 12, 1959

STANLEY H. HEIST, President
Speaker of the House of Representatives
Harrisburg, Pennsylvania

Dear Sir:

In accordance with Article 13 of our Charter, we are enclosing 104th Annual Statement of the Saving Fund Society of Germantown and Its Vicinity.

Sincerely yours,

MILDRED M. MOORE
Secretary

MMM/ba

SAVING FUND SOCIETY OF GERMANTOWN
AND ITS VICINITY

Philadelphia, Pennsylvania

Main Office

5458 Germantown Avenue at School Lane
East Germantown Office

1244 East Cheltenham Avenue at Wister Street
Chestnut Hill Office

8601 Germantown Avenue at Evergreen Avenue
Rising Sun Office

5951 Rising Sun Avenue at Comly Street
Northeast Office

2604 Cottman Avenue at the Boulevard
Frankford Office

5135 Frankford Avenue
Willow Grove Office

37-39 Easton Road, Willow Grove, Pa.
*** Huntingdon Valley Office

793 Huntingdon Valley Shopping Center
Huntingdon Pike and Rockledge Avenue
*** Feasterville Office

15 Feasterville Shopping Plaza
Bustleton Pike and Street Road

Mondays to Thursdays, inclusive, 9 A. M. to 3 P. M.*
Fridays, 9 A. M. to 8 P. M.**

**Willow Grove Office will be open on Fridays from
9 A. M. to 3 P. M. and 5 P. M. to 8 P. M.
and on Saturdays from 9 A. M. to 12 Noon

*When a Legal Holiday falls on Friday, all offices will
remain open the preceding Thursday evening

A MUTUAL SAVINGS BANK—CHARTERED 1854

Insured In Federal Deposit Insurance Corporation

***To be opened 1959.

SAVINGS FUND SOCIETY OF GERMANTOWN
AND ITS VICINITY

January 1, 1959

Stanley H. Heist, President
Edward J. Thomas, Vice President
Mildred M. Moore, Secretary

William G. Raupp, 3rd, Treasurer
James P. Grebe, Assistant Vice President
Howard B. Solly, Assistant Vice President
Neilson C. Bridger, Assistant Treasurer and Assistant
Secretary

John P. Kichline, Assistant Treasurer
Marie B. Bechtold, Mortgage Officer
Charlotte S. Ebert, Assistant Mortgage Officer
George H. Moore, Auditor

Robert L. Aucott, Assistant Treasurer and Branch Manager
Lloyd N. Kendig, Assistant Treasurer and Branch Manager
William F. Staier, Assistant Treasurer and Branch Manager
George Wharton Pepper, Solicitor

MANAGERS

Thomas Raeburn White, Attorney-at-Law; Edward Starr, Jr. of Drexel & Co.; Richard P. Brown, Director, Minneapolis-Honeywell Regulator Co.; C. Sewall Clark of E. W. Clark & Company; William Adamson; Edward G. Budd, Jr., President, The Budd Company; William L. Dempsey of Drexel & Co., Stanley H. Heist, President; S. Wyman Rolph; William S. Crowder, of W. H. Newbold's Son & Co.; Edward J. Thomas, Vice President; William G. Foulke, Senior Vice President, Provident Traders Bank & Trust Company, Roland Rodrock Randall, Real Estate Counselor; John Butler Prizer, Vice President and General Counsel, The Pennsylvania Railroad Company; Philip Dechert, General Counsel, Philco Corporation; Lane Taylor, President, Hamilton Paper Company.

CONDENSED STATEMENT

January 1, 1959

ASSETS

Cash on Hand and in Banks	\$ 4,571,623.03
United States Government Bonds	30,955,453.13
Government Agency Obligations	805,100.00
State, County, Municipal and Authority Bonds	8,814,070.90
Canadian Bonds	194,750.00
Railroad Equipment Trust Certificates ...	3,288,018.82
Railroad Bonds	3,302,528.25
Public Utility Bonds	20,761,082.80
Industrial Bonds	7,518,082.50
Stocks—Bank and Corporate	2,356,731.46
F. H. A. Insured and V. A. Guaranteed Mortgages	41,337,427.31
Other First Mortgages on Real Estate ...	26,569,249.80
Main and Branch Office Buildings	200,000.00
Accrued Interest Receivable	840,560.40
Other Assets	234,605.23

\$ 151,749,283.63

LIABILITIES

Due to 88,598 Depositors	\$ 136,283,018.33
Unallocated Reserve	1,250,000.00
Surplus	12,547,367.19
Other Liabilities	1,668,898.11

\$ 151,749,283.63

We, the Subscribers, Auditors, appointed by the Saving Fund Society of Germantown and Its Vicinity, do hereby

certify that we have examined the above statement, and the assets therein named, and find them correct.

Howard H. Hewett
Benjamin West Frazier
Glyndon Priestman
L. H. Sanford
Warren R. Humphreys

January 6th, 1959.

SAVING FUND SOCIETY OF GERMANTOWN AND ITS VICINITY
INVESTMENTS—BONDS

December 31, 1958

UNITED STATES GOVERNMENT BONDS

Par Value	Description	Rate	Maturity
\$ 200,000.00	Savings Bonds Series K	2.76	1966
1,000,000.00	Treasury Certificates	3½	1959
1,000,000.00	Treasury Notes	1½	1963
500,000.00	Treasury Notes	4	1962
2,800,000.00	Treasury Bonds	2¼	1962
19,275,000.00	Treasury Bonds	2½	1963-1972
4,000,000.00	Treasury Bonds	2¾	1980
1,000,000.00	Treasury Bonds	3	1995
800,000.00	Treasury Bonds	3¼	1983
500,000.00	Treasury Bonds	4	1969

\$31,075,000.00

GOVERNMENT AGENCY OBLIGATIONS

\$ 6,350.00	Federal Housing Administration	3¼	1978
300,000.00	Federal Intermediate Credit Banks	2	1959
500,000.00	Federal Land Banks	4½	1970

\$ 806,350.00

STATE, COUNTY, MUNICIPAL AND AUTHORITY BONDS

\$ 200,000.00	Austin, Texas	2¾	1973-1975
200,000.00	Baltimore County, Md.	2¼	1977
100,000.00	Boston, Mass.	2¾	1983
100,000.00	California Toll Bridge Authority	3½	1992
15,000.00	Chambersburg Area Joint School Authority, Pa.	3¼	1971
85,000.00	Chambersburg Area Joint School Authority, Pa.	3½	1972-1975
30,000.00	Chattanooga, Tenn.	3½	1961
300,000.00	Cheltenham Township School District Authority, Pa.	4½	1991
100,000.00	Chicago Sanitary District, Ill.	2¼	1972
100,000.00	Dallas, Texas	2½	1972
345,000.00	Delaware River Port Authority	3½	1983
200,000.00	Florida State Turnpike Authority	3¼	1995
200,000.00	Fort Worth, Texas	2¾	1977-1978
50,000.00	Greater Greenville Sewer District, S. C.	4½	1967
100,000.00	Greensboro, N. C.	3½	1960-1961
500,000.00	Illinois Toll Highway Commission	3¼	1995
500,000.00	Indiana Toll Road Commission	3½	1994
100,000.00	Jacksonville, Florida	2½	1963
100,000.00	Jones Beach State Parkway Authority, N. Y.	2½	1988
100,000.00	Los Angeles, Cal.	2¼	1973
100,000.00	Los Angeles, Cal.	2.80	1981
200,000.00	Maryland Bridge and Tunnel Revenue	3	1994
400,000.00	Massachusetts Turnpike Authority	3.30	1994
200,000.00	New Jersey Turnpike Authority	3	1988
450,000.00	New Jersey Turnpike Authority	3½	1988
300,000.00	New York Housing Authority, N. Y.	2½	1975-1977
95,000.00	New York, N. Y.	3	1980
75,000.00	New York, N. Y.	4	1959
50,000.00	New York, N. Y.	4½	1960
400,000.00	New York State Thruway Authority	3.10	1994
65,000.00	Northampton Borough Municipal Authority, Pa.	2¾	1959-1960
500,000.00	Ohio Turnpike Revenue	3¼	1992
50,000.00	Pennsylvania (Series M)	1½	1959
200,000.00	Pennsylvania General State Authority	2.70	1979-1980
300,000.00	Pennsylvania Turnpike Revenue	3	1982
300,000.00	Pennsylvania Turnpike Revenue	3.10	1993
500,000.00	Philadelphia, Pa.	2¾	1990-1993
50,000.00	Philadelphia, Pa.	3½	1966
95,000.00	Philadelphia, Pa.	3¼	1975
324,000.00	Port of New York Authority, N. Y.	3	1982
100,000.00	St. Petersburg, Florida	3	1967
100,000.00	Springfield, Montgomery County, School District Authority, Pa.	3¼	1973-1974
300,000.00	Texas Turnpike Authority	2½	1995
300,000.00	Triborough Bridge and Tunnel Authority	2½	1967-1969

\$ 8,879,000.00

CANADIAN BONDS

\$ 200,000.00	Montreal, Canada	5	1978
\$ 200,000.00			

RAILROAD EQUIPMENT TRUST CERTIFICATES

Par Value	Description	Rate	Maturity
\$ 350,000.00	Chicago, Burlington & Quincy	2½	1960-1961
50,000.00	Chicago, Milwaukee, St. Paul & Pacific	2¼	1960
200,000.00	Great Northern	2	1961
400,000.00	Missouri Pacific Series I	4½	1962-1963
50,000.00	New York, Chicago & St. Louis	2½	1960
204,000.00	Norfolk & Western Series D and F	3¾	1960-1961
100,000.00	Norfolk & Western Series E	4	1963
273,770.13	Pennsylvania Conditional Sales Agreement	3½	1962-1967
100,000.00	Pittsburgh & Lake Erie	4	1962
150,000.00	Reading Series Y	4	1959
500,000.00	Seaboard Series G	2½	1960-1961
200,000.00	Southern Pacific Series CC	2½	1964
300,000.00	Southern Pacific Series AA	2½	1961
200,000.00	Southern Series QQ	2½	1959-1960
250,000.00	Western Maryland	3½	1959

\$ 3,327,770.13

RAILROAD BONDS

\$ 100,000.00	Canadian Pacific Consolidated	4	Perpetual
149,000.00	Chesapeake & Ohio	3½	1996
75,000.00	Chesapeake & Ohio	4½	1992
212,000.00	Chicago, Burlington & Quincy	3½	1985
35,000.00	Chicago & Erie	5	1982
98,000.00	Chicago, Rock Island & Pacific	4½	1995
190,000.00	Chicago & Western Indiana	4½	1982
335,000.00	Erie	3½	1990-2000
140,000.00	Erie	3¼	1964
100,000.00	Erie (Ohio Division)	3¼	1971
325,000.00	Great Northern	2¼	1961
50,000.00	Great Northern	5	1973
123,000.00	Jacksonville Terminal	3½	1977
50,000.00	Kentucky Central	4	1987
127,000.00	Northern Pacific	4	1997
184,000.00	Oregon-Washington R. R. & Navigation	3	1960
100,000.00	Pittsburgh, Bessemer & Lake Erie	2½	1996
105,000.00	Pittsburgh, Cincinnati, Chicago & St. Louis	4½	1963
250,000.00	Reading	3½	1995
55,000.00	St. Paul & Duluth	4	1968
107,000.00	Southern Pacific Co. (San Francisco Terminal)	3½	1975
88,000.00	Southern	5	1994
15,000.00	Southern (Memphis Division)	5	1996
200,000.00	Union Pacific	2½	1976
184,000.00	Western Maryland	4	1969

\$ 3,397,000.00

PUBLIC UTILITY BONDS

\$ 200,000.00	Alabama Power	3½	1988
200,000.00	American Telephone & Telegraph	2½	1986
200,000.00	American Telephone & Telegraph	2¾	1980-1982
100,000.00	American Telephone & Telegraph	2½	1987
100,000.00	American Telephone & Telegraph	3½	1985
100,000.00	American Telephone & Telegraph	4½	1985
200,000.00	American Telephone & Telegraph	5	1983
200,000.00	Appalachian Electric Power	3¼	1970
300,000.00	Bell Telephone of Pennsylvania	3	1974
95,000.00	Blackstone Valley Gas & Electric	3	1973
200,000.00	Buffalo Niagara Electric	2¾	1975
200,000.00	California Electric Power	4½	1988
250,000.00	Central Illinois Light	3¼	1963
200,000.00	Central Illinois Light	4½	1987
200,000.00	Central Illinois Public Service	4½	1988
200,000.00	Cincinnati & Suburban Bell Telephone	4½	1993
100,000.00	Cleveland Electric Illuminating	3	1982
300,000.00	Commonwealth Edison	2¾	1999
294,000.00	Commonwealth Edison	3	1999
200,000.00	Commonwealth Edison	3½	2008
64,000.00	Connecticut Light & Power	2¾	1984
200,000.00	Connecticut Light & Power	3½	1988
150,000.00	Consolidated Edison of New York	2½	1977
350,000.00	Consolidated Edison of New York	2¾	1982
100,000.00	Consolidated Edison of New York	3½	1983
200,000.00	Consolidated Edison of New York	5	1987
200,000.00	Consolidated Natural Gas	4½	1983
300,000.00	Consolidated Natural Gas	5	1982
300,000.00	Consumers Power	2½	1975-1977
200,000.00	Consumers Power	4½	1972
263,000.00	Consumers Power	4¾	1987
200,000.00	Detroit Edison	2¾	1982
250,000.00	Duke Power	2½	1979
200,000.00	Duke Power	4½	1982
500,000.00	Duquesne Light	2¾	1977
100,000.00	Florida Power	3½	1986
300,000.00	Florida Power & Light	4½	1988
250,000.00	General Telephone of California	4½	1988
200,000.00	Georgia Power	3½	1966
200,000.00	Georgia Power	4½	1988
300,000.00	Gulf States Utilities	2½	1976
200,000.00	Houston Lighting & Power	4¾	1987
300,000.00	Idaho Power	4½	1988
250,000.00	Illinois Bell Telephone	2¾	1981
200,000.00	Indianapolis Power & Light	2½	1979
200,000.00	Metropolitan Edison	4½	1987
100,000.00	New England Telephone & Telegraph	3	1982
300,000.00	New Jersey Bell Telephone	3½	1993
200,000.00	New York Power & Light	2¾	1975

Par Value	Description	Rate	Maturity
240,000.00	New York Telephone	2 3/4	1982
300,000.00	New York Telephone	4 1/2	1991
400,000.00	Niagara Mohawk Power	4 7/8	1987
191,000.00	Northern Illinois Gas	3 1/2	1979
400,000.00	Northern States Power	2 3/4	1975-1979
200,000.00	Northern States Power	4	1988
250,000.00	Ohio Edison	4 1/4	1983
200,000.00	Ohio Power	3	1978
150,000.00	Ohio Power	3 1/4	1968
200,000.00	Ohio Power	4 7/8	1987
100,000.00	Pacific Gas & Electric	2 7/8	1980
600,000.00	Pacific Gas & Electric	3	1977-1983
200,000.00	Pacific Telephone & Telegraph	2 7/8	1986
100,000.00	Pacific Telephone & Telegraph	3 1/8	1987
200,000.00	Pacific Telephone & Telegraph	4 3/8	1988
250,000.00	Pennsylvania Power & Light	3	1975
325,000.00	Pennsylvania Water & Power	3 1/4	1964-1970
200,000.00	Philadelphia Electric	2 7/8	1978
300,000.00	Philadelphia Electric Power	2 7/8	1975
300,000.00	Philadelphia Suburban Water	4 1/8	1988
200,000.00	Public Service of Colorado	2 7/8	1977
185,000.00	Public Service Electric & Gas	3	1963
250,000.00	Public Service Electric & Gas	4 3/8	1986
100,000.00	Public Service Electric & Gas	4 7/8	1988
100,000.00	Southern Bell Telephone & Telegraph	2 7/8	1987
300,000.00	Southern Bell Telephone & Telegraph	4 7/8	1993
230,000.00	Southern California Edison	3 1/8	1973
197,000.00	Southern California Gas	5 1/8	1983
200,000.00	Southern New England Telephone	4 1/8	1991
200,000.00	Southwestern Bell Telephone	2 3/4	1985
200,000.00	Southwestern Bell Telephone	4 3/4	1992
200,000.00	Tampa Electric	4 1/4	1988
195,000.00	Tennessee Gas Transmission	5 1/4	1977
100,000.00	Tennessee Gas Transmission	5 3/8	1979
200,000.00	Texas Electric Service	2 3/4	1975
200,000.00	Texas Electric Service	3 3/4	1987
279,000.00	Union Electric	3 3/8	1971
100,000.00	Union Electric	3 3/8	1986
200,000.00	Union Electric	4 3/8	1988
200,000.00	Virginia Electric & Power	2 3/4	1975
260,000.00	Virginia Electric & Power	4 1/2	1987
200,000.00	Washington Water Power	4 1/8	1988
200,000.00	Washington Water Power	4 1/8	1987
165,000.00	West Penn Power	3 1/2	1966
200,000.00	West Penn Power	4 7/8	1987
300,000.00	Wisconsin Electric Power	2 7/8	1976
91,000.00	Wisconsin Public Service	3 1/4	1971

\$20,778,000.00

INDUSTRIAL BONDS

\$	400,000.00	Allied Chemical & Dye	3 1/2	1978
	300,000.00	Aluminum Company of America	3 7/8	1983
	200,000.00	Aluminum Company of America	4 1/4	1982
	100,000.00	Aluminum Company of Canada	4 1/4	1980
	400,000.00	American Can	3 3/4	1988
	197,000.00	American Tobacco	3	1969
	235,000.00	Atlantic Refining	3 1/4	1979
	275,000.00	Atlantic Refining	4 1/2	1987
	250,000.00	Continental Oil	3 1/2	1984
	192,000.00	Firestone Tire & Rubber	3 1/4	1977
	300,000.00	General Electric	3 1/2	1976
	300,000.00	General Motors	3 1/4	1979
	200,000.00	General Motors Acceptance	3	1979
	98,000.00	Koppers Company	3	1964
	200,000.00	Lehigh Portland Cement	4 7/8	1979
	100,000.00	P. Lorillard	3	1976
	200,000.00	May Department Stores	2 5/8	1972
	141,000.00	Minneapolis-Honeywell Regulator	3 1/10	1972
	250,000.00	National Steel	3 7/8	1986
	191,000.00	Phillips Petroleum	2 3/4	1964
	200,000.00	Phillips Petroleum	4 1/4	1987
	120,000.00	Pittsburgh Plate Glass	3	1967
	210,000.00	Scott Paper	3	1981
	200,000.00	Sears Roebuck	4 3/4	1973
	300,000.00	Shell Union Oil	2 1/2	1971
	200,000.00	Sinclair Oil	4 3/8	1986
	300,000.00	Socony-Vacuum Oil	2 1/2	1976
	350,000.00	Standard Oil (Indiana)	4 1/2	1983
	405,000.00	Standard Oil (New Jersey)	2 3/8	1971
	170,000.00	Standard Oil (New Jersey)	2 3/4	1974
	255,000.00	Texas Corporation	3	1965
	300,000.00	United States Steel	4	1983

\$ 7,539,000.00

INVESTMENTS—STOCKS

Number of Shares	Description
	Bank and Insurance Company Stocks
2,400	First National City Bank of New York
3,000	First Pennsylvania Banking and Trust Company
3,000	Girard Trust Corn Exchange Bank
600	Insurance Company of North America
1,250	Mellon National Bank and Trust Company
3,000	Philadelphia National Bank
2,850	Provident Tradesmens Bank and Trust Company
	Industrial Stocks
700	American Can
400	Caterpillar Tractor
300	E. I. DuPont de Nemours
1,000	E. I. DuPont de Nemours 4 1/2% Preferred

Par Value	Description	Rate	Maturity
800	General Electric		
1,200	General Motors		
400	Pittsburgh Plate Glass		
1,400	Sears Roebuck		
1,000	Socony-Mobil Oil		
3,100	Standard Oil (New Jersey)		
600	Texas Company		
500	Union Carbide		

INVESTMENTS—STOCKS

December 31, 1958

Number of Shares	Description
	Public Utility Stocks
1,300	American Electric Power
800	American Telephone & Telegraph
1,100	Carolina Power & Light
1,500	Cincinnati Gas & Electric
900	Commonwealth Edison
700	Consolidated Edison
1,000	Consolidated Natural Gas
1,000	Consumers Power
1,200	Delaware Power & Light
1,600	Duke Power
900	Duquesne Light
1,000	Gulf States Utilities
1,300	Houston Lighting & Power
800	Ohio Edison
900	Pacific Gas & Electric
1,500	Philadelphia Electric
600	Public Service of Colorado
2,200	Southern
1,600	Texas Utilities
800	United Gas Improvement
1,200	Virginia Electric & Power

SAVING FUND SOCIETY OF GERMANTOWN AND ITS VICINITY

The following table shows the growth of the Society since 1854:

Date	Number of Regular Savings Accounts	Number of Christmas and other Club Accounts	Total Number of Accounts	Amount of Deposits Surplus
June 1, 1855	273			\$ 12,788.84
June 1, 1859	811			75,023.85
January 1, 1867	1,273			133,631.84
January 1, 1872	2,196			361,847.87
January 1, 1876	3,543			581,996.50
January 1, 1880	4,547			875,144.55
January 1, 1884	7,190			1,439,825.15
January 1, 1890	11,285			2,361,209.14
January 1, 1895	13,052			2,810,673.13
January 1, 1900	16,294			4,233,238.96
January 1, 1905	20,966			6,171,098.37
January 1, 1910	24,511			7,803,287.60
January 1, 1915	28,748			10,493,595.63
January 1, 1920	32,648			13,826,887.62
January 1, 1925	35,649	5,026	40,675	19,378,508.30
January 1, 1930	38,354	5,387	43,741	24,830,384.57
January 1, 1935	45,414	3,485	48,899	28,340,528.05
January 1, 1940	48,788	5,217	54,005	38,207,013.31
January 1, 1941	49,912	5,744	55,656	39,851,594.50
January 1, 1942	51,553	5,852	57,405	41,534,061.92
January 1, 1943	52,137	5,209	57,346	43,431,561.51
January 1, 1944	54,161	6,220	60,381	48,211,859.44
January 1, 1945	56,976	7,361	64,337	54,724,768.02
January 1, 1946	59,088	7,294	66,382	61,611,004.82
January 1, 1947	60,730	8,944	69,674	66,641,734.02
January 1, 1948	61,863	11,553	73,416	70,467,971.38
January 1, 1949	62,479	13,103	75,582	74,290,430.67
January 1, 1950	63,013	14,436	77,449	78,261,961.19
January 1, 1951	63,725	15,086	78,811	82,656,661.18
January 1, 1952	63,679	15,555	79,234	86,063,093.83
January 1, 1953	64,382	16,913	81,295	90,030,146.51
January 1, 1954	64,659	17,767	82,426	98,676,816.29
January 1, 1955	66,325	19,930	86,255	106,583,914.74
January 1, 1956	68,213	19,455	87,668	113,394,686.99
January 1, 1957	69,143	19,422	88,565	119,603,233.33
January 1, 1958	71,278	17,232	88,510	125,495,784.44
January 1, 1959	72,857	15,741	88,598	136,283,018.33
Total Interest Paid Depositors Since Organization				\$57,892,035.36
Accounts may be opened and business transacted by mail.				
Interest is paid on all balances of \$5.00 or over.				

REPORT OF THE COMMISSION ON
CONSTITUTIONAL REVISION

1959

THE GREAT SEAL OF THE
COMMONWEALTH OF PENNSYLVANIA
(OFFICIAL)

PENNSYLVANIA COMMISSION ON
CONSTITUTIONAL REVISION

Suite 535-A, Main Capitol Building,
Harrisburg, Pennsylvania

Robert E. Woodside, Chairman; Horace Stern, Vice-Chairman; Robert D. Fleming, Secretary; Milton G. Baker, Genevieve Blatt, Matthew A. Crawford, Richardson Dilworth, Jefferson B. Fordham, George R. Lamade, Mrs. Mitchell MacCartney, M. Nelson McGeary, Mrs. Robert L. McGeehan, Philip Price, Oscar J. Tallman, Edwin W. Tompkins; Severing Stefanon, Executive Director.

March 9, 1959.

To His Excellency, David L. Lawrence, Governor and
To the Honorables, The Members of the General Assembly of the Commonwealth of Pennsylvania
Gentleman:

Pursuant to the Act of July 15, 1957, P. L. 927, the Commission on Constitutional Revision is pleased to submit for your consideration this report.

The funds available to the Commission were not sufficient to pay for recording and printing its debates and discussions. Therefore, as chairman, I think it advisable to report some of my personal observations concerning the Commission's deliberations.

The Commissioners were faithful in attendance at both Commission and committee meetings. Although aided by an able staff, a considerable amount of detail work was done by the Commissioners themselves. The discussions demonstrated that the Commissioners gave extensive thought and study to the problems under consideration.

The deliberations were free from partisan approach. In spite of basic differences in governmental philosophy and the forceful presentation of conflicting views, there never were any expressions of acrimony or personal animosity to mar the decorum of the meetings. The presiding officer had no problems.

The individual members of the Commission will, if requested, be pleased to meet with the legislative committees which may be assigned the task of reviewing and implementing this report.

Respectfully submitted,

Robert E. Woodside
Chairman

"We do ordain, declare, and establish the following Declaration of Rights and Frame of Government, to be the Constitution of the Commonwealth, and to remain in force therein for ever, unaltered, except in such articles as shall hereafter on experience be found to require improvement.

Constitution of 1776

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THE COMMISSION

The Honorable Robert E. Woodside, Judge, Superior Court of Pennsylvania, Chairman of the Commission.

The Honorable Horace Stern, Former Chief Justice, Supreme Court of Pennsylvania, Vice Chairman of the Commission.

Senator Robert D. Fleming, Member, Senate of Pennsylvania, Secretary of the Commission.

Lieutenant General Milton G. Baker, Superintendent, Valley Forge Military Academy.

The Honorable Genevieve Blatt, Secretary of Internal Affairs.

Matthew A. Crawford, Esq., Vice President and General Counsel, Pittsburgh and Shawmut Railroad.

The Honorable Richardson Dilworth, Mayor of Philadelphia.

Dr. Jefferson B. Fordham, Dean, University of Pennsylvania Law School.

Mr. George R. Lamade, Publisher, Grit.

Mrs. Mitchell MacCartney, President, Pennsylvania Council of Republican Women.

Dr. M. Nelson McGeary, Head, Department of Political Science, Pennsylvania State University.

Mrs. Robert L. McGeehan, Second Vice President (1957-1958), Pennsylvania League of Women Voters.

Philip Price, Esq., Barnes, Dechert, Price, Myers and Rhoads.

The Honorable O. Jacob Tallman, Former Member, Senate of Pennsylvania, Butz, Hudders, Tallman and Rupp.

The Honorable Edwin W. Tompkins, Member, House of Representatives of Pennsylvania.

THE COMMITTEES

Committee on Organization and Procedure: Fordham, Chairman; Crawford, Fleming, Stern, Woodside.

Committee on Education and Social Welfare: Baker, Chairman; Lamade, Stern.

Committee on The Executive: Fleming, Chairman; Baker, Blatt, Dilworth, McGeary.

Committee on The Judiciary and Human Rights: Stern, Chairman; Dilworth, McGeehan, Price, Woodside.

Committee on The Legislative: Tompkins, Chairman; Crawford, Fleming, Fordham, Tallman.

Committee on Local Government: Blatt, Chairman; Fordham, Lamade, MacCartney, McGeary.

Committee on State Finance: Crawford, Chairman; McGeehan, Price, Tompkins, Woodside.

Committees on Suffrage and Elections and Amendment and Revision: Tallman, Chairman; MacCartney, McGeehan.

THE STAFF

Serevino Stefanon, Executive Director

S. Edward Hannestad, Counsel; Bruce E. Cooper, Coun-

sel; Dr. Richard A. Edwards, Consultant.

Research Assistants: Allen W. Burns, for The Executive; Herbert E. Hays, for Suffrage and Elections; W. H. Clay Keen, for The Legislative; Harry A. Kitey, for Local Government; Dr. Edward B. Logan, for State Finance; Donald S. Smith, for Local Government.

Statisticians: Charles F. Burnheimer, Kenneth I. Woodhall.

Stella Friedman, Secretary; Theresa M. Berski, Stenographer; Mary B. Kaminski, Stenographer.

ACKNOWLEDGMENTS

In preparation of this report the Commission has had invaluable assistance from many sources for which it is deeply grateful.

Particular recognition is given to the Pennsylvania Economy League for putting its research facilities at the disposal of the Commission. The Committee on State Finance was aided materially by the able assistance of Dr. David H. Kurtzman and Mr. David R. Baldwin. The Committee on Local Government received many valuable services from Mr. John W. Ingram, Mr. Robert S. Lewis, and Mr. Fred E. Hershey.

The Commission is also indebted to Dr. John H. Ferguson, Budget Secretary, Representative Norman Wood, Chairman of the House Committee on Appropriations, Mr. Truman B. Thompson, Secretary of the House Committee on Appropriations, Attorney General Thomas D. McBride, Deputy Attorney General Harrington Adams and Deputy Attorney General George Keitel for their generous assistance in its studies in the field of state finance.

Numerous individuals and organizations have been helpful in studying preliminary proposals and making their comments available to the Committees. George F. Baer Appel, Esq., Mr. S. Edward Moore, Parliamentarian of the House of Representatives, Thomas Raeburn White, Esq., the Pennsylvania State Chamber of Commerce and the Pennsylvania State Association of Boroughs gave the Commission much of their time.

The Bureau of Municipal Affairs was most helpful, as were all other departments within the state government to whom a request for assistance was addressed.

The Commission recognizes the generosity of the Charles Fremont Taylor Trust of Philadelphia which made a grant of \$5,000 available to the Commission for research on the subject of home rule for cities and other local communities.

The Commission appreciates, too, the encouragement received from many sources, particularly The Pennsylvania League of Women Voters. The interest shown by many organizations, at the public hearings and subsequent thereto, has been stimulating.

The Commission is grateful for all of these expressions of interest in its work.

THE HISTORY OF CONSTITUTIONS IN PENNSYLVANIA

The present Pennsylvania Constitution was proposed by Constitutional Convention on November 3, 1873. It was adopted by popular vote in December of that year and became effective on January 1, 1874. It is the fourth such document for the State, the first being the Constitution of 1776.

The Constitution of 1776. The Continental Congress in

May of 1776 passed a resolution urging the United Colonies to "adopt such government as shall in the opinion of the representatives of the people, best conduce to the happiness and safety of the constituents in particular, and America in general."

In accordance with the resolution, signed by John Hancock as President of the Congress, the committee of the city and liberties of Philadelphia issued a call to the several counties to meet in provincial conference in Philadelphia. In a one-week meeting at Carpenter's Hall, with Thomas McKean sitting as president of the conference, it was unanimously agreed that a provincial convention be called for the purpose of forming a new government in the province.

Accordingly, an election was held for the designation of ninety-six delegates to the convention. The delegates met in Philadelphia from July 15 to September 28, 1776, with Benjamin Franklin presiding as president of the body. Under his leadership, freedom from Great Britain was provided for and a declaration of rights was adopted. The convention then proceeded to set up a legislature of one house, an executive council of twelve with no power over legislation, and a council of censors to consider the state of the constitution every seven years. The "Bill of Rights and Constitution of the Commonwealth of Pennsylvania" was then delivered to the General Assembly at its first meeting.

The Constitution of 1790. The plan, as outlined in the Constitution of 1776, proved unworkable and the committee of censors impotent, leading the General Assembly in 1789 to provide for the election of a constitutional convention to convene in Philadelphia in November of that year. The Assembly further provided,

... that, in the opinion of this house, a convention being chosen and met, it would be expedient, just and reasonable that the convention shall publish their amendments and alterations for the consideration of the people and adjourn at least four months previous to confirmation.

Accordingly, sixty-nine delegates were elected to the convention which met in November 1789. With Thomas Mifflin as president, the convention formulated a new constitution embodying, among others, these provisions: a division of the legislature into two houses; concentration of the executive powers in one person, the Governor, with a qualified veto over the legislature; regulation of the terms of judges; and a general strengthening of the Bill of Rights.

Following a recess "to gather the sense of the people," the convention reconvened to give final consideration to its labors, declared the new constitution in effect, and adjourned sine die on September 2, 1790. Throughout the entire procedure, the people never voted on the question of calling a convention, nor did they vote on the adoption of the new constitution. Their franchise in this instance extended only to the selection of the men who drafted it.

The Constitution of 1838. The Constitution of 1790 also proved to be inadequate and there developed the demand for another convention, primarily because of "extravagant expenditures authorized by the legislature and promiscuous and ill-advised granting of charters of incorporation." The legislature of 1835 submitted to the people the question of calling a constitutional convention, and it was voted on favorably. In 1836, the General Assembly pro-

vided for the election of 133 delegates and set May 2, 1837 as the date for the convention to meet at the capital in Harrisburg.

John Sergeant, of Philadelphia, was elected president of the convention, which soon adjourned to meet later at the Musical Fund Hall in Philadelphia. After the amended constitution was adopted and signed on February 22, 1838, it was ratified by a small majority at an October election, and became effective on January 1, 1839. However, the Panic of 1837 had intervened after the convention had been called and, as a result, few important changes were made. The new constitution was subsequently amended in 1850, 1857, 1864 and 1872.

The Constitution of 1874. The Constitution of 1838 left itself open to the evil of special legislation, and the need for further revisions soon became imperative. "In the seven years preceding the constitutional convention of 1874, 475 general laws were passed and 8,755 private acts, many of which were intended to confer some direct benefit upon some individual or corporation." Hence, when the question of calling a convention was submitted to the people, it was approved by a margin exceeding four to one.

Following the affirmative vote, the General Assembly in 1872 immediately set up the machinery for a constitutional convention, including provisions for the popular election of 133 delegates. The convention met in Harrisburg in November, 1872, and selected William M. Meredith, of Philadelphia, as President. Site of the convention was moved to Philadelphia in January 1873 and the remaining sessions were held there. The work was completed on November 3, 1873, and was signed by John H. Walker, of Erie County, who has succeeded to the Presidency following Meredith's death.

At a special election in December of that year the people ratified the new constitution by an overwhelming majority. It went into effect on January 1, 1874 and has served, with amendments, as our Commonwealth's basic law to this day.

Efforts to Amend and Revise the Constitution of 1874

Revision by Amendment. During the eighty-five years in which Pennsylvania has conducted its government under the present constitution, eighty-six proposed amendments have been submitted to the people. Of these, fifty-nine have been approved.

The General Assembly has been reluctant to approve recommendations for change in the Constitution. This is especially evident from the record of the past 30 years. In that time a total of 837 joint resolutions to amend the Constitution have been introduced. Only 285 received sufficient consideration to be reported from committee and just 117 were approved at least once by both House and Senate. Of the 38 that finally reached the voters, 26 were approved.

Revision by Convention. Attempts at a general revision of the present Constitution through constitutional conventions have had no success. The five times that the question of holding a convention has been submitted to the people have all resulted in heavy defeats. The first attempt, in 1891, during which the people were also permitted to choose 177 delegates to the convention, was beaten by a two-and-one-half-to-one vote. After that decisive defeat, no further serious attention was given to constitutional revision for almost thirty years.

Then, in 1919, Governor William C. Sproul, at the direction of the General Assembly, appointed a commission of twenty-five members to examine the Constitution and report to the Assembly its views as to the modifications that should be made. In its report, submitted in 1921, the commission recommended a general revision of the Constitution.

The General Assembly, "apparently impressed by the completeness and force of the committee's report," provided for a popular vote at the September primary on the question of calling a constitutional convention. Delegates from each Congressional district also were to be nominated, with three from each district to be elected at the November elections. In addition, the Governor was to appoint twenty-five delegates to the convention.

Despite all the advance preparation by the Governor's commission, the voters rejected the proposal for a convention by a majority of almost 100,000.

Since the rejection of a constitutional convention following the work of Governor Sproul's Commission, the Pennsylvania electorate has three times voted down similar proposals. In each of the last three referenda, only the question calling a convention appeared on the ballot, with no delegates being elected.

SUMMARY OF COMMISSION ACTIVITIES

The Commission met and organized on January 7, 1958. At that meeting the Commission was addressed by Governor George M. Leader, Senator M. Harvey Taylor, President pro tempore of the Senate, and The Honorable W. Stuart Helm, Speaker of the House of Representatives. Under Act 400 of -1957, which created the Commission, each had appointed five members to the Commission.*

Officers were elected by the Commission. Judge Robert E. Woodside was named chairman, Chief Justice Horace Stern, vice-chairman, and Senator Robert D. Fleming, secretary.

At a later meeting in January, the Commission heard and adopted a report of the Committee on Organization and Procedure. This report established in general a method by which the Commission would do its work. It provided for the creation of study committees and the assignment to each committee of several Articles or portions of Articles of the Constitution. It directed the holding of a series of public hearings and the selection of an administrative and research staff.

Public hearings were held in May in Philadelphia, Pittsburgh and Harrisburg. Prior to the hearings, announcements were mailed to numerous state-wide organizations and associations and each was asked, if it so desired, to present to the Commission recommendations for change in the State Constitution. The announcements were widely repeated in newspapers and on radio and television. Some 55 organizations appeared personally before the Commission and numerous others forwarded written statements.

Committee recommendations to the Commission were based on research and study by the staff and by the members of the Commission. As the Commission reviewed committee reports, no recommendation for change was passed finally unless it was agreed to by a majority of all Commissioners.

* Governor Leader appointed Miss Blatt, Mayor Dilworth, Dr. Fordham, Dr. McGeary and Mrs. McGeehan; Senator Taylor named Gen. Baker, Senator Fleming, Mrs. MacCartney, Mr. Price and Judge Woodside, Speaker Helm appointed Mr. Crawford, Mr. Lamade, Justice Stern, Senator Tallman and Mr. Tompkins.

THE REPORT

Section 3 of the act creating the Commission sets forth its duties as follows:

The commission shall study the Constitution of the Commonwealth, as amended, in the light of contemporary conditions and the anticipated problems and needs of the people of the Commonwealth. If the commission finds change in the constitution advisable, it shall consider the best means of effecting such change. If the commission determines that the best means is by amendment, it shall so recommend and its report shall contain drafts of the proposed amendment or amendments. If the commission determines that the best means is by general revision, it shall collect, compile and analyze such information as it may deem useful to the delegates at a constitutional convention, and shall make any recommendations relating to the substance of revision as it may consider appropriate.

After studying the Constitution in the light of contemporary conditions and the anticipated problems and needs of the people, the Commission found change in the Constitution advisable.

The Commission, by a vote of 9 to 6, concluded that the best means of effectuating the advisable changes in the Constitution is by amendment, and so recommends to the General Assembly. In this report are contained the drafts of the proposed amendments in the form of Joint Resolutions.

Although the Commission determined that general revision was not the best means of effecting change, it did in the process of studying the Constitution collect and analyze information which might be useful to the delegates at a Constitutional Convention should such a convention be called within the next few years. Having considered every section of the Constitution the Commission has set forth its recommendations concerning each.

The Commission found that the Constitution of 1874, as amended, contains unnecessary and undesirable provisions. Among them are provisions:

(1) which have served a transitory purpose and are no longer applicable to any present or foreseeable situation, as for example, Article IX, Section 16, relating to a bond issue for the purchase of toll bridges;

(2) which contain restrictions generally believed no longer desirable, as for example, the prohibition contained in Article I, Section 6, which prevents the Legislature from dealing with any problem relating to juries in civil cases even to the extent of allowing a case involving as little as \$10 to be disposed of other than by a jury of 12 people in unanimous agreement, if either party insists on the ultimate right to a jury trial;

(3) which contain language expressing a thought evidently not intended, as for example, Article V, Section 2, which says: "The judge whose commission shall first expire shall be chief justice," which if literally applied would mean that the elected judge longest on the Supreme Court would, while chief justice, be required to step aside to permit a newly appointed judge, whose commission would first expire, to become chief justice;

(4) which maintain governmental offices and procedures outgrown by the Commonwealth, as for example, the office of county surveyor and coroner provided for in Article XIV, Section 1, and the requirement that "every bill shall be read at length on three different days in each house," found in Article III, Section 4;

(5) which, not being self-executing, can be ignored by

the General Assembly with impunity, as for example, the provisions requiring reapportionment. (Article II, Section 18);

(6) which, being legislative and not basic in character, might in many instances, safely be left to the Legislature to change at will, as for example, many of the provisions relating to private corporations in Article XVI, railroads and canals in Article XVII, suffrage and elections in Article VIII, and many others;

(7) which impose desirable restrictions but in an amount or in a manner no longer advisable, as for example, the debt limitation imposed upon the state and municipal governments contained in Article IX, Section 4, and Article IX, Section 8.

While it would be easier for officials, lawyers and the people generally to operate under a shorter Constitution with fewer provisions which would be stated more clearly, it must be noted that, as a general rule, the provisions of our present Constitution which are the most universally accepted as undesirable or unnecessary are those which have the least impact upon the present operation of government, while those provisions which are the most controversial have the greatest impact. For example, it would be generally conceded that the provisions requiring that bills be read at length is unnecessary and undesirable, but the provision has very little impact upon the government or the public. On the other hand, a suggested change in the uniformity clause is Article IX, Section 1 to permit a graduated income tax, which would be bitterly contested, would have a great impact upon the people.

It is probably the fear of undesired changes in the controversial provisions which has caused the voters to reject every effort made to redraft the Constitution of 1874 in its entirety.

Admitting that many provisions could be eliminated, shortened, or rephrased, the important question is whether sufficient advantage is gained in rewriting all the provisions of the Constitution to outweigh the present advantage of working under a document whose provisions have been interpreted and construed by court decisions. If we should adopt a new Constitution, the meaning of many of its provisions would be in doubt until interpreted by costly court litigation, extending over a period of many years. In drafting a Constitution, no matter how able and experienced the draftsmen, it is impossible to express every thought with precise language not subject to different meanings when applied to unforeseeable situations.

Although we may speculate as to the reason, it is undisputably a fact that the voters have shown repeatedly that they have no desire for a Constitutional Convention. Five times since the Constitution of 1874 was adopted the Legislature has submitted the question of calling a Constitutional Convention to the voters, with the following results:

Date	Votes For	Votes Against	Votes for As Percent of Total Votes on
			Convention
November 3, 1891	173,813	420,598	29.2
September 20, 1921	419,191	518,889	44.7
November 4, 1924	329,883	988,442	25.0
September 17, 1935	916,949	1,184,160	43.6
November 3, 1953	533,380	682,823	43.9

The lack of interest in having a Constitutional Convention is emphasized when we consider that in 1953 less than 11% of the registered voters took advantage of the opportunity to vote for a constitutional convention. The opposition of the voters to constitutional revision is further emphasized when we consider that in 1921, 1935, and 1953, constitutional revision by convention had the active support of the administration then in power and of numerous citizens' groups and organizations.

Nor are Pennsylvania voters different from those of most other states in this respect. In state after state the people have disapproved a complete redraft of their basic laws by convention. In the last fifty years only four states have redrafted their Constitutions. These were Louisiana in 1921, Missouri and Georgia in 1945, and New Jersey in 1947. Even in New Jersey the Legislature withheld from the convention the right to deal with apportionment. Within the last few years the voters of many states, including New York, Ohio, Maryland, Michigan, Kentucky and Oklahoma, have rejected constitutional conventions.

The voters of Pennsylvania have demonstrated frequently, recently and emphatically that they do not desire constitutional revision by convention.

On the other hand, the people have approved 59 amendments to the Constitution of 1874, 26 of them within the last thirty years. When the people have been satisfied that specific change was desirable they have approved the change.

It is the opinion of the majority of the Commissioners that many changes which might improve the Constitution have little impact upon the people or the operation of the government and are, therefore, relatively unimportant. If changing these provisions were postponed a decade or two there would be no serious consequences. On the other hand, there are changes both desirable and important. It is the opinion of the majority of the Commissioners that those changes in the Constitution which are most necessary and most desirable should be submitted to the people in the form of amendments.

As stated above, the Commissioners reviewed each section of the Constitution of 1874 as amended, and determined whether it considered retention in its present form, repeal or amendment most desirable. That our action might be conveniently examined, there is set forth the Constitution of 1874 as amended, section by section. Opposite each section on the same page, there is set forth the recommendation of the Commission concerning it. If it was concluded that the section should be retained in its present form or repealed such recommendation is noted; if it was thought it should be amended, the section is set forth in the amended form deemed advisable. A few new sections have been recommended which have no counterpart in our present Constitution, and were given the article and section numbers deemed appropriate.

The recommended changes have been divided by vote of the Commission into three categories, and their classification designated by the type used as follows:

Class 1 Changes—Bold Type

Class 1 changes are those recommendations for amendment which the Commission deems to be of first importance, critically needed for the efficient conduct of the state government, and which the Commission strongly urges the General Assembly to approve.

Class 2 Changes—Italics

Class 2 changes are those recommendations for amendment which the Commission deems to be very desirable, but which are not vital for the efficient conduct of the state government.

Class 3 Changes—Times Roman

Class 3 changes are those changes which would improve the language and form of the Constitution, but which are not deemed to be of sufficient importance to be recommended for adoption other than as part of a general revision of the Constitution.

As the first two classes of changes are considered important enough to be submitted by separate amendments, Joint Resolutions have been prepared covering all of them. No resolutions were prepared for those changes placed in the third class as they were not considered to be of sufficient importance to be submitted to the electorate as amendments.

CLASS 1 CHANGES

Class 1 changes are those recommendations for amendment which the Commission deems to be of first importance, critically needed for the efficient conduct of the state government, and which the Commission strongly urges the General Assembly to approve.

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Sec 2—County Officers	C 1.18	48	lative modifications in the future as may from time to time
Sec 3—Residence, repeal	C 1.18	48	be deemed desirable or even essential.
Sec 4—Location of Offices, repeal	C 1.18	49	England, which of course was the mother of the jury
Sec 5—Compensation, repeal	C 1.18	49	system, has practically abolished civil jury trials alto-
Sec 6—Accountability, repeal	C 1.18	49	gether, but the Commission is not, of course, suggesting
Sec 7—Election of Commissioners, re-			any such action; it urges merely that this, and indeed all
peal	C 1.18	49	other existing methods of adjudicating civil controversies,
Art XV—Cities and Boroughs			should not be constitutionally ossified into a mould forever
Sec 1—Incorporation	C 1.18	50	unchangeable in any respect whatever.
Sec 2—Optional Plans of Government	C 1.19	51	What, it might be asked, would be the nature of such
Sec 3—Home Rule Charter Making	C 1.19	51	possible changes? It has often been pointed out as anomal-
Sec 4—Consolidation of Allegheny Coun-			ous that, whereas grave questions affecting the welfare
ty, repeal	C 1.19	51	of our entire country are not infrequently decided by the
Sec 5—Land for Highway Construction,			Supreme Court by a vote of 5 to 4 of a membership of 9,
repeal	C 1.19	51	a controversy concerning a debt of merely, say \$10—if
Art XVIII—Amendment of Constitution			either party insists on his ultimate right to a jury trial—
Sec 1—Future Amendments	C 1.20	56	can be adjudicated only by the unanimous concurrence of

ARTICLE I—DECLARATION OF RIGHTS

Section 6—Trial by Jury

Current

Trial by jury shall be as heretofore, and the right thereof remain inviolate.

Recommended

Trial by jury in criminal cases shall be as heretofore, and the right thereof remain inviolate.

Historical Note

The Eleventh of the Declaration of The Rights of the Inhabitants of the Commonwealth, or State of Pennsylvania, 1776, said: "That in controversies respecting property, and in suits between man and man, the parties have a right to trial by jury, which ought to be held sacred." The Plan or Frame of Government, which, with the Declaration of Rights became the Constitution of 1776, said in Section the Twenty-fifth, "Trials by jury shall be as heretofore . . ."

The Constitution of 1790 and 1838 used the identical language found in the present Constitution. In another section, though, the Constitution of 1874 permits the litigants to dispense with trial by jury.

Comments

Section 6 of Article 1 of the Constitution provides that "Trial by jury shall be as heretofore, and the right thereof remain inviolate." As this is interpreted, not the slightest change may therefore be made, either by legislation or otherwise, in the existing jury system. As far as criminal trials are concerned, there can be no quarrel with this constitutional protection of the right of an accused to have his guilt or innocence determined by the unanimous vote of a jury of 12 of his "peers," and in accordance with all the rules, regulations and procedure traditionally associated with the conduct of such trials.

The Commission has no thought whatever that trial by jury in criminal cases should be other than as heretofore or that the right thereof should not remain inviolate. What the Commission does believe, however, is that there is no reason for such immutability in regard to jury trials in civil cases, and it is therefore recommending that the right to the practice in such cases be left to such possible legis-

lative modifications in the future as may from time to time be deemed desirable or even essential.

England, which of course was the mother of the jury system, has practically abolished civil jury trials altogether, but the Commission is not, of course, suggesting any such action; it urges merely that this, and indeed all other existing methods of adjudicating civil controversies, should not be constitutionally ossified into a mould forever unchangeable in any respect whatever.

What, it might be asked, would be the nature of such possible changes? It has often been pointed out as anomalous that, whereas grave questions affecting the welfare of our entire country are not infrequently decided by the Supreme Court by a vote of 5 to 4 of a membership of 9, a controversy concerning a debt of merely, say \$10—if either party insists on his ultimate right to a jury trial—can be adjudicated only by the unanimous concurrence of 12 persons.

Could justice, perhaps, be accomplished as well, or even better, by a jury of less than 12? or by a mere majority or some larger fraction short of absolute unanimity? or by provision for a special type of jury in cases where the question at issue is really one for qualified scientific or other experts to decide rather than mere laymen? or by trials in some cases before judges alone, thereby permitting of a speedier administration of justice than now possible, especially in our larger cities?

When it is remembered that proceedings in equity often of the greatest importance are conducted by judges without juries, and that the same is true in proceedings in the Orphans' Courts and before Workmen's Compensation and Unemployment Compensation Boards, it is clear that jury trials have never been regarded as indispensable for the adjudication of civil controversies, and certainly not in each and every detail of their present prescribed form and composition.

However, it must again be stated that the Commission is not recommending any constitutional provision for the abolition or modification of any feature whatever of the jury system or the right thereto even in civil cases as now existing, but only that the way be left open as to such cases for possible future changes if at any time deemed necessary or desirable, retaining as inviolate the right to jury trials in criminal cases as now provided in the Constitution.

ARTICLE II—THE LEGISLATURE

Section 4—Sessions

Current

The General Assembly shall meet at twelve o'clock noon, on the first Tuesday of January every second year, and at other times when convened by the Governor, but shall hold no adjourned annual session after the year one thousand eight hundred and seventy-eight. In case of a vacancy in the office of United States Senator from this Commonwealth, in a recess between sessions, the Governor shall convene the two Houses, by proclamation on notice not exceeding sixty days, to fill the same.

Recommended

The General Assembly shall be a continuing body during the term for which its Representatives are elected. It shall meet at twelve o'clock noon on the first Tuesday of

January each year. Special sessions shall be called by the Governor on petition of a majority of the members elected to each House, and may be called by the Governor whenever, in his opinion, the public interest requires.

Historical Note

The Constitution of 1776, Section The Ninth, provided for the popular election, annually, of the members of the house of representatives and for annual meetings of the body. The section also authorized the body to choose their speaker and a state treasurer and enumerated a wide series of powers. The Constitutions of both 1790 and 1838 in Article I, Section 10 said merely that the general assembly should meet annually, unless sooner convened by the governor. The Constitution of 1874 established the present system of biennial sessions.

Comments

The recommendation provides for annual sessions of the General Assembly. It makes the Assembly a continuing body, permitting committees to continue to function after sine die adjournment and legislation introduced in the first session of a legislature to be carried over to the second session. Special sessions may be called by the Governor on his own initiative and must be called by him upon petition to do so by a majority of the members elected to each House.

During the colonial period and under the Constitutions of 1776, 1790 and 1838, Pennsylvania legislatures met on an annual basis. The Constitutional Convention of 1873 adopted the biennial plan in what was frankly stated by its advocates to be a companion measure to the provision forbidding special and local legislation. A reduction in sessions, it was thought, would result in a like reduction in special legislation.

Today, the pendulum has swung to the other side of the question and each legislative session sees the introduction of numerous proposals for annual sessions. The 1957 General Assembly approved a Constitutional amendment resolution for annual sessions, with the even-year session limited to fiscal matters.

The recent experience in Pennsylvania is reflected elsewhere in the nation. The broad case for annual sessions has been substantial enough to have caused a trend in a direction reverse to that which took place in the 19th century, when many present-day constitutions were being adopted.

Across the nation, legislatures of sixteen states meet annually, while the remaining thirty-three hold biennial sessions. As recently as fifteen years ago, only four states had annual sessions. Among the states with annual sessions, six provide that in alternate years only budgetary matters be considered. Various limitations as to length of sessions are also found.

As has been noted, the established regard for biennial sessions has been seriously questioned in recent years and the agitation for annual sessions has become so insistent that an obvious trend in that direction has developed.

The strongest and most urgent factor calling for annual sessions is, of course, tied to the fiscal demands of contemporary state governments.

It is agreed that annual sessions will permit much more accuracy in budgetary forecasting. Presently, the General

Assembly must base its programs on estimates of revenues and expenditures which are projected as much as thirty months in advance. Indeed, some departments were estimating needs in May 1958 for requirements into May 1961, three years later. Annual sessions will reduce the projections to about eighteen months, a tremendous fiscal advantage in the present-day economy.

Annual sessions will permit the Legislature to focus its budget analysis and appropriating power with far greater accuracy. The Legislature will be able to approach the overall processes of state fiscal affairs with increased knowledge and precision.

The current biennium offers an excellent case in point. According to the prospectus on the Tax Anticipation Note Sale of August 28, 1958, revenues during the first year of the biennium lagged some \$14 million behind official estimates. By the end of the second year it is estimated that revenues will be perhaps \$97 million short of estimates.

Had Pennsylvania had annual sessions, there is every reason to expect that the Legislature, in a 1958 session, would have found other sources of revenues or so adjusted expenditures as to reduce materially the gap between revenues and expenditures in fiscal 1959.

The Commission has rejected arguments that contend annual sessions would double budgetary paper work without achieving real economies, that there would be greatly increased cost to the state or that comprehensive planning would be handicapped by annual sessions.

The argument is presented that the adoption of annual sessions will result in an increase in the state budget at a far greater rate than would be the case with biennial budgets. Extensive research into the expenditures of those states which have adopted annual sessions since 1940 has failed to support this contention.

The tremendous expansion in governmental activity and the complexity of today's society have added many new responsibilities for the State government. Legislative business today is continuous. Biennial sessions are no longer adequate for the needs of the times.

While the Commission believes that budgetary reasons alone are of sufficient import to demand annual sessions, it must be emphasized that governmental efficiency and the quality of legislative activity are also important considerations.

The Legislature's powers of investigation and budget estimation will inspire greater efficiency in the executive branch. The "continuing body" feature will allow legislative committees, both standing and special, to continue to function between sessions. Thus, a closer check will be maintained on the operations of the executive agencies.

Legislative administration will be expedited, too, by carrying over into the second session of a General Assembly those bills which were introduced in the first session and which were not finally approved. It will not be necessary to incur the added expense of re-introducing legislation and action taken in the first session will not need to be repeated in the second.

The Governor's power to call special sessions is retained. The amendment further assures that a Governor will call a special session only when "the public interest requires." Should he fail to do so on his own initiative, however, the Legislature can force him to do so upon petition by a majority of the members elected to each House.

ARTICLE II—THE LEGISLATURE

Section 16—Senatorial Districts; Ratio

Current

The State shall be divided into fifty senatorial districts of compact and contiguous territory as nearly equal in population as may be, and each district shall be entitled to elect one Senator. Each county containing one or more ratios of population shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators, when such county may be assigned a Senator on less than four-fifths and exceeding one-half of a ratio; and no county shall be divided unless entitled to two or more Senators. No city or county shall be entitled to separate representation exceeding one-sixth of the whole number of Senators. No ward, borough or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of the State by the number fifty.

Recommended

The State shall be divided into fifty senatorial districts of compact and contiguous territory as nearly equal in population as may be, and each district shall be entitled to elect one Senator. Each county containing one or more ratios of population shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators, when such county may be assigned a Senator on less than four-fifths and exceeding one-half of a ratio, and no county shall be divided unless entitled to two or more Senators. No ward, borough or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of the State by the number fifty.

Historical Note

The first legislative body, under the Constitution of 1776, was unicameral, consisting only of a House of Representatives. Its members were elected, initially six from the city of Philadelphia and six from each county. In 1790, recognizing representation in proportion to the number of taxable inhabitants as "the only principle which can at all times secure liberty, and make the voice of a majority of the people the law of the land," a list of taxable inhabitants was provided for and representatives were allotted in proportion to the number of taxables.

The Constitution of 1790 provided for a bicameral legislature, adding a Senate to be formed by the Legislature with a further provision that no city or county be permitted to elect more than four Senators. The Constitution of 1838 repeated the language of 1790 and the Constitution of 1874 introduced the present formula for senatorial apportionment.

Comments

The change recommended strikes out the restriction

that no city or county be entitled to separate representation exceeding one-sixth of the whole number of senators. This provision limits the City of Philadelphia to eight senators.

The Commission proposal follows the concept of the earlier constitutions by providing that representation in the Senate be on a true population basis.

Based on the 1950 census of population in Pennsylvania, the recommendation will result in a considerable realignment when next the Senate is apportioned. Using the present formula, the removal of the restriction gives Philadelphia two more senators, or an increase to a total of ten.

The gain of two senators in Philadelphia will, of course, mean the loss of two senators among the smaller counties of the state.

ARTICLE II—THE LEGISLATURE

Section 18 - Legislative Apportionment

Current

The General Assembly at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the State into senatorial and representative districts agreeably to the provisions of the two next preceding sections.

Recommended

Before the close of each regular session of the General Assembly at which the officially certified figures of a United States decennial census first are available, the General Assembly shall apportion the Commonwealth into senatorial and representative districts. If the General Assembly fails to do so, the Governor shall, immediately after final adjournment, call the General Assembly into special session for the sole purpose of making the apportionments. At the special session there shall be no legislation on any other subject. The General Assembly shall not adjourn sine die until it has completed the apportionment into both senatorial and representative districts.

Historical Note

The earliest provision for legislative apportionment was in the Plan or Frame of Government of 1776, in Section the Seventeenth, which required the unicameral Assembly to make a return of taxable inhabitants and an apportionment every seventh year. A similar provision was made in the Constitution of 1790 for both the House of Representatives and the newly-created Senate and was retained in the Constitution of 1838. The Constitution of 1874 adopted the provision now in effect.

Comments

The change recommended by the Commission adds strength to the requirement that the General Assembly complete an apportionment after each census.

Periodic reapportionment is necessary if legislative representation is to be kept abreast of shifts in population throughout the state.

While the present language is mandatory, "immediately after each United States decennial census, (the General Assembly) shall apportion the state . . .," it has been disregarded more frequently than it has been complied with.

Following adoption of the new Constitution, the Assembly in 1874 made a complete apportionment as directed. A reapportionment was made in 1887 and not again until the special session of 1906, nineteen years later. The next reapportionment was made in 1921.

In 1937, both House and Senate were again apportioned. However, the acts which affected the apportionment were found to be faulty: several municipalities were omitted, districts were made out of non-contiguous territory and, in at least one instance, districts were of markedly unequal representation. The acts were contested and declared unconstitutional, leaving the apportionment of 1921 in effect.

No further successful attempt to redistrict the State was made until 1953, thirty-two years later. In that year the House of Representatives only was reapportioned.

For the Senate, the apportionment of 1921, with several isolated amendments, remains in force. The constitutional mandate has gone unheeded for 38 years, in spite of the fact that there are many glaring discrepancies in population among the senatorial districts.

Much concern has been expressed at the Assembly's ignoring of the mandate so plainly stated in the Constitution.

An effort was made soon after the 1950 census by a suit in federal court to have the apportionment acts of 1921 declared unconstitutional and to compel the General Assembly to reapportion. The court dismissed the suit, as the General Assembly was still in session and might adopt the necessary legislation, and a remedy might be found in Commonwealth courts: *Remmey v. Smith*, 102 F. Supp. 708, appeal dismissed 72 S. Ct. 368.

The proposed change in the section will undoubtedly encourage the Legislature to do the work required of it by the Constitution.

ARTICLE III—LEGISLATION

Section 25—Legislation During Special Sessions

Current

When the General Assembly shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

Recommended

Repeal.

Historical Note

The provision first appeared in a Pennsylvania Constitution in 1874, no similar provision having been adopted in 1776, 1790 or 1838. It remains in its original form.

Comments

The section is another example of the attempts by the Convention of 1873 to curb the powers of the General Assembly. This conclusion that "evil legislation" can be stopped by restricting action of the Legislature is evident throughout the work of that convention.

The Commission recommends that the General Assembly have its full legislative competence at all sessions and, accordingly, proposes repeal of this section.

In the amendment to Section 4, provision is made for annual sessions and special sessions. In neither case is any limitation placed on the legislation which the Assembly may consider.

ARTICLE IV—THE EXECUTIVE

Section 3—Term of Office of Governor

Current

The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election, and shall not be eligible to the office for the next succeeding term.

Recommended

The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election. Except for the Governor who may be in office when this amendment is adopted, he shall be eligible to succeed himself for one additional term.

Historical Note

The Constitution of 1776, Section the Third, vested the Supreme Executive Power in a president and council. The Constitution of 1790 vested the executive power in a governor to be elected by the people for a three-year term and limited his tenure to not more than nine years in any term of twelve. The Constitution of 1838 retained the three-year term and limited tenure to not more than six years in any term of nine. The Constitution of 1874 increased the term to four years and prohibited succession.

Comments

The change proposed by the Commission permits the Governor to succeed himself in office for one additional term.

For many years, the fact that the Governor could not succeed himself in office did little harm. The vast expansion of state government in the 20th century has, however, made it a critical matter. The Commission is unanimous in its belief that the Governor should be permitted to succeed himself. There is not unanimity, however, on the question of the two-term limitation.

Governor George M. Leader, addressing the General Assembly in 1957, stated the case well when he said that to allow the Governor to succeed himself "would give the State a continuity of program it very badly needs. Four years is not much time for an incoming Governor and his department heads to plan and execute a program; eight years, if granted by the people, could bring accumulated skill and painfully acquired knowledge to the enormous job at hand." His use of the phrase "eight years," he has since added, does not mean he would limit a Governor to two terms. Rather, he said, succession without limitation is to be desired.

The Commission agrees that succession by the Governor will give a continuity in the State government that is much to be desired. A spirit of cooperation between the Governor and the General Assembly will be fostered. The executive branch will benefit from the "hard-earned experience" that a Governor can carry into a second term of office.

However, there have been instances in which unlimited succession has permitted a Governor to entrench himself in office for term after term. This the Commission would not view as desirable. Eight years—two terms—is long enough to entrust any man with such great powers. In-

deed, the Pennsylvania practice of appointing most governmental heads—only five are popularly elected—would tend to aid a strong Governor who might want to “perpetuate” himself in office.

The recent trend across the nation has been to restrict succession by the Governor. Maryland in 1948 added the restriction after one Governor served for sixteen years. New Jersey’s constitution in 1947 and Alaska’s new constitution in 1956 both include two-term limits. Both Georgia and Missouri in new constitutions in 1945 made the Governor ineligible to succeed himself. Maine amended its constitution to change from two-year terms with unlimited succession to four-year terms with two-term limit on succession with the change effective in 1959. Only Colorado and Connecticut among the states with four-year terms have recently changed to remove restrictions on gubernatorial succession.

The Commission believes that the need for continuity in office can best be balanced against the danger of perpetuation in office by providing for limited, two-term, succession.

ARTICLE IV—THE EXECUTIVE

Section 9—Pardoning Power; Board of Pardons

Current

He shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentence and pardons, except in cases of impeachment; but no pardon shall be granted, nor sentence commuted, except upon the recommendation in writing of the Lieutenant Governor, Secretary of the Commonwealth, Attorney General and Secretary of Internal Affairs, or any three of them, after full hearing, upon due public notice and in open session, and such recommendation, with the reasons therefor at length, shall be recorded and filed in the office of the Secretary of the Commonwealth.

Recommended

(a) In all criminal cases except impeachment, the Governor shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentence and pardons; but no pardon shall be granted, nor sentence commuted, except on the recommendation in writing of a majority of the Board of Pardons, after full hearing in open session, upon due public notice. The recommendation, with the reasons therefor at length, shall be recorded and filed with the Board in a docket kept for that purpose.

(b) The Board of Pardons shall consist of the Lieutenant Governor, who shall be chairman, the Attorney General, the chairman of the agency created by the General Assembly to administer paroles, and two members appointed by the Governor with the consent of a majority of the members elected to the Senate, one for three years and one for six years, and thereafter for full terms of six years. The Board shall keep records of its actions, which shall at all time be open for public inspection.

Historical Note

The Constitution of 1776, Section The Twentieth, granted to the Supreme Executive Council, among other powers, the power to grant pardons and remit fines in all cases except cases of impeachment. In cases of treason and mur-

der, the Council had power to grant reprieves, but not to pardon until the next session of the Assembly. In Article II, Section 9 of the Constitutions of 1790 and 1838, the Governor was granted the power to remit fines and forfeitures and to grant reprieves and pardons, except in cases of impeachment.

The Constitution of 1874 added the requirement that no pardon be granted, nor sentence commuted, except upon the recommendation of any three of four named State officials.

Comments

It was the belief that the Governors, under the powers granted them by the Constitutions of 1790 and 1838, had been too liberal in the use of their extraordinary powers to remit fines and forfeitures and to grant reprieves and pardons that led the Constitutional Convention of 1873 to establish the present system. Under this system the Governor cannot act without the written recommendation of a least three of the four officers specified in the Constitution.

While the new system reduced complaints considerably, the Board of Pardons, as it came to be known, has been under attack in recent years. The 1957 General Assembly approved a proposal to amend the Constitution (J.R. No. 10) to change its make-up extensively. This resolution suggested a board of five members—four full-time members appointed by the Governor for eight-year terms and the Lieutenant Governor, who would be chairman.

At the time of its establishment, the Board of Pardons was the sole agency in the state by which, a sentence imposed could be modified. Over the years, however, other means have arisen, among them being probation, administered by the court imposing the sentence, and allowance of a reduction in sentence for good behavior, administered by prison authorities.

The Act of August 6, 1941, P. L. 861, established the Pennsylvania Board of Parole. This Board was granted the exclusive power to parole and re-parole persons sentenced for a maximum period of two years or more. Since the advent of the Board of Parole, the vast majority of cases handled by the Board of Pardons has consisted of petitions for commutation which, if granted, permit the prisoner to apply for parole at a time earlier than would have been permitted under the original sentence.

The personnel of the Board of Pardons, in addition to the four ex-officio Board members, consists of a Secretary and a small clerical staff. Legal advice required by the Board is furnished either by the Attorney General or by the Secretary to the Board, who is usually an attorney. The Board of Pardons has no investigating staff of its own and relies primarily on the reports of prison authorities, reports of investigation supplied by the Board of Parole, statements by the court concerned with the individual case and, occasionally, reports of special investigations by the State Police.

The Commission considered many plans and proposals, some of them in operation in other states. The majority of them fell within three major categories: (1) retention of the Board of Pardons as presently constituted; (2) creation of a new Board of Pardons, eliminating all of the ex-officio members save the Lieutenant Governor and substituting for them members appointed by the Governor; (3) consolidation of the Board of Pardons and the Board of Parole into one comprehensive system.

After considering the plans and proposals suggested, it was decided that the plan recommended herein would best serve the needs of the Commonwealth. The Lieutenant Governor and the Attorney General should be retained. The Chairman of the Board of Parole is recommended because he is a person having professional knowledge which can be of assistance in the deliberations of the Board and he has at his disposal all of the records and the investigatory staff of his agency. It was also the thinking of the Commission that two appointive members not connected with the Executive Branch of the Government would materially aid the deliberations of the body.

ARTICLE V—THE JUDICIARY

Section 6—Philadelphia and Allegheny Courts of

Common Pleas

Current

In the county of Philadelphia all the jurisdiction and powers now vested in the district courts and courts of common pleas, subject to such changes as may be made by this Constitution or by law, shall be in Philadelphia vested in five distinct and separate courts of equal and coordinate jurisdiction, composed of three judges each. The said courts in Philadelphia shall be designated respectively as the court of common pleas number one, number two, number three, number four, and number five, but the number of said courts may be by law increased, from time to time, and shall be in like manner designated by successive numbers. The number of judges in any of said courts, or in any county where the establishment of an additional court may be authorized by law, may be increased, from time to time, and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate court as aforesaid, which shall be numbered as aforesaid. In Philadelphia all suits shall be instituted in the said courts of common pleas without designating the number of the said court, and the several courts shall distribute and apportion the business among them in such manner as shall be provided by rules of court, and each court, to which any suit shall be thus assigned, shall have exclusive jurisdiction thereof, subject to change of venue, as shall be provided by law.

In the county of Allegheny all the jurisdiction and powers now vested in the several numbered courts of common pleas shall be vested in one court of common pleas, composed of all the judges in commission in said courts. Such jurisdiction and powers shall extend to all proceedings at law and in equity which shall have been instituted in the several numbered courts, and shall be subject to such changes as may be made by law, and subject to change of venue as provided by law. The president judge of said court shall be selected as provided by law. The number of judges in said court may be by law increased from time to time. This amendment shall take effect on the first day of January succeeding its adoption.

Recommended

(a) In the county of Philadelphia the jurisdiction and powers now vested in the several numbered Courts of Common Pleas of that county shall be vested in one Court of Common Pleas, composed of all the judges in commission in the courts, subject to changes made by

law in the number of judges. Its jurisdiction and powers shall extend to all proceedings at law and in equity instituted in the several numbered courts, and shall be subject to such change as may be made by law. The president judge of the court shall be selected as may be provided by law.

(b) In the county of Allegheny there shall be one Court of Common Pleas, subject to changes made by law in jurisdiction, powers and number of judges.

Historical Note

The current section of the Constitution was provided in the amendment of 1911. Prior to this amendment, the Constitution of 1874 provided that both the courts of Philadelphia and Allegheny Counties would consist of several numbered courts, each being distinct and separate, although having equal and coordinate jurisdiction. The current section, while continuing the 1874 constitutional provision with regard to Philadelphia, vested the jurisdiction and powers of the several numbered courts of Allegheny County in one Court of Common Pleas composed of all the Judges commissioned in said courts.

Comments

The recommended provision institutes the same system in Philadelphia as is now in effect in Allegheny County under the amendment of 1911. This section does away with the several numbered courts and unifies them into one Court of Common Pleas, composed of all Judges in commission in those courts, and places all the courts under the jurisdiction of one President Judge. It is the Commission's opinion that this procedure will result in a more centralized administration and greater efficiency in disposing of the business of the courts in Philadelphia.

ARTICLE V—THE JUDICIARY

Section 7—Prothonotary of Philadelphia

Current

For Philadelphia there shall be one prothonotary's office, and one prothonotary for all said courts, to be appointed by the judges of said courts, and to hold office for three years, subject to removal by a majority of the said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said court; and he and his assistants shall receive fixed salaries, to be determined by law and paid by said county; all fees collected in said office, except such as may be by law due to the Commonwealth, shall be paid by the prothonotary into the county treasury. Each court shall have its separate dockets, except the judgment docket which shall contain the judgments and liens of all the said courts, as is or may be directed by law.

Recommended

Repeal.

Historical Note

The section first appeared in the Constitution of 1874. No change in its provisions has been made since that time.

Comments

The section serves largely to supplement the provisions of Article V, section 6, for separate Courts of Common Pleas in Philadelphia. It provides for the office of prothon-

otary in relation to multiple courts. With the proposed consolidation of these courts (see preceding section and comment), it becomes inconsistent with a single court. The office of prothonotary in Philadelphia, as elsewhere, should be provided for by legislation.

ARTICLE V—THE JUDICIARY

Section 11—Justices of the Peace and Aldermen

Current

Except as other wise provided in this Constitution, justices of the peace or aldermen shall be elected in the several wards, districts, boroughs or townships, by the qualified electors thereof, at the municipal election, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of six years. No township, ward, district or borough shall elect more than two justices of the peace or aldermen without the consent of a majority of the qualified electors within such township, ward or borough; no person shall be elected to such office unless he shall have resided within the township, borough, ward or district for one year next preceding his election. In cities containing over fifty thousand inhabitants, not more than one alderman shall be elected in each ward or district.

Recommended

(a) Except in Philadelphia, each county shall be divided by the Court of Common Pleas into as many justice of the peace or alderman districts as it deems necessary and proper. The districts shall be as nearly equal in population as practicable according to the last preceding United States census. After each census the Court may create new districts based on the same unit of population, and may change the boundaries of districts. In each district there shall be one justice of the peace or alderman, who shall be chosen by the electors of the district at a municipal election. He shall have been a resident of his district for at least one year next preceding his election. He shall hold office for six years from the first Monday of January after his election. A vacancy in the office of justice of the peace or alderman shall be filled by the Governor.

(b) For services rendered in judicial proceedings a justice of the peace or alderman shall receive a salary prescribed by the governing body of the county and paid by the county, and no other compensation. Fees, fines and penalties received by him in judicial proceedings shall be paid into the county treasury for the use of the county, unless otherwise provided by law.

(c) Until otherwise provided by law, justices of the peace or aldermen in any county shall have the jurisdiction and powers of the justices of the peace or aldermen in civil and criminal cases existing when this amendment becomes effective. Those then in office shall serve their then unexpired terms.

(d) Rules of procedure for the conduct of their offices by justices of the peace or aldermen, not otherwise provided for by law, shall be prescribed by the Court of Common Pleas of the county.

Historical Note

The Constitution of 1776, Section The Thirtieth, provided that justices of the peace should be elected by the

freeholders of each city and county. Two or more persons were to be chosen for each ward, township or district, as the law should thereafter direct. The names of the persons so chosen were to be returned to the President in Council, who would commission one or more of them for each ward, township or district so returning. They were chosen for terms of seven years, removable for misconduct by the General Assembly.

The Constitution of 1790 provided that a competent number of justices of the peace in such convenient districts in each county as should be directed by law, to be commissioned during good behavior, should be appointed by the Governor. There were provisions for removal on conviction of misbehavior in office or any infamous crime or on the address of both Houses of the Legislature.

The Constitution of 1838 provided for the election of justices of the peace or aldermen in the several wards, boroughs and townships, at the time of election of constables, for a term of five years. No township, ward or borough could elect more than two justices of the peace or aldermen without the consent of a majority of the qualified electors.

The Constitution of 1874 repeated substantially the language used in the Constitution of 1838, and added residence requirements. By amendment in 1909 the term of office for justices of the peace and aldermen was extended to six years.

Comments

The recommendation of the Commission provides for a minor judiciary system with justices of the peace and aldermen serving on a salary basis. The Courts of Common Pleas are charged with the responsibility of establishing proper districts and of providing rules of procedure where not otherwise provided by law. Salaries are to be determined and paid by the county. Justices of the peace and aldermen will continue to be elected by popular vote.

The granting of dominion over the minor judiciary to the local courts can result only in an improvement in the administration of justice. The responsibility for the improvement is placed in the hands of the local courts, who are in the best position to observe the conduct of these officials, to effect desirable coordination and to exercise necessary controls.

The present fee system, providing for compensation contingent on litigation, presents the justice of the peace with the temptation to entertain and adjudicate matters frivolously, or worse, solely for financial gain. That so few of them have succumbed to the temptation speaks well for the minor judiciary generally. There are, unfortunately, those who have taken advantage of their neighbors and have spotlighted the shortcomings of the fee system.

It is expected, of course, that the establishment of new districts by the county courts will result in a material reduction in the total number of justices of the peace and aldermen.

The Commission considered and discarded a suggestion that the minor judiciary be learned in the law. The questions that normally come before a justice of the peace are not of so technical a nature that a legal background is necessary. The several in-service training programs available to the minor judiciary are adequate.

Justices of the peace and aldermen receiving fair and adequate compensation for their services, under the juris-

diction and supervision of the courts of the county, will best serve the ends of justice in the Commonwealth.

ARTICLE V—THE JUDICIARY

Section 12—Magistrates Courts in Philadelphia

Current

In Philadelphia there shall be established, for each thirty thousand inhabitants, one court, not of record, of police and civil causes, with jurisdiction not exceeding one hundred dollars; such courts shall be held by magistrates whose term of office shall be six years, and they shall be elected on general ticket at the municipal election, by the qualified voters at large; and in the election of the said magistrates no voter shall vote for more than two-thirds of the number of persons to be elected when more than one are to be chosen; they shall be compensated only by fixed salaries, to be paid by said county; and shall exercise such jurisdiction, civil and criminal, except as herein provided, as is now exercised by aldermen, subject to such changes, not involving an increase of civil jurisdiction or conferring political duties, as may be made by law. In Philadelphia the office of alderman is abolished.

Recommended

(a) In Philadelphia there shall be established courts, not of record, one for each one hundred thousand inhabitants. The court shall be held by magistrates, who shall be chosen by the qualified electors at a municipal election at which no voter shall vote for more than two-thirds of the number of persons to be chosen. Population shall be determined by the last preceding United States census. A magistrate shall have been a resident of the city for at least one year next preceding his election. He shall hold office for six years from the first Monday of January after his election. A vacancy in the office of magistrate shall be filled by the Governor.

(b) For services rendered in judicial proceedings a magistrate shall receive a salary prescribed by the City Council and paid by the city, and no other compensation. Fees, fines and penalties received by him in judicial proceedings shall be paid into the city treasury for the use of the city, unless otherwise provided by law.

(c) Until otherwise provided by law, magistrates shall have the jurisdiction and powers of the magistrates in civil and criminal cases existing when this amendment becomes effective. Those then in office shall serve their then unexpired terms.

(d) Rules of procedure for the conduct of their offices, not otherwise provided for by law, shall be prescribed by the Court of Common Pleas of Philadelphia.

Historical Note

The Constitution of 1874 abolished the office of alderman in Philadelphia and provided for magistrates courts with jurisdiction not exceeding one hundred dollars. Magistrates were to be elected for five year terms, with provision being made for minority party representation, and were to be paid on a salary basis. The amendment of 1909 extended the term to six years.

Comments

The change recommended reduces the number of mag-

istrates from the present 28 to 21, removes the jurisdictional limit of one hundred dollars, makes their salaries payable by the city and provides that rules of procedure be prescribed by the Court of Common Pleas.

The workload on the present 28 magistrates is not sufficient to merit a magistracy of that size. Data available indicates that the total work week for all 28 magistrates amounted to only about 160 hours per week. At that rate, it would seem that even the reduced number provided for in this section might be more than is needed.

No constitutional limitation is placed on the civil jurisdiction of the minor judiciary throughout the State, with the exception of the Philadelphia magistrates. There is no reason for the distinction and the matter should, as recommended, be left to the determination of the Legislature.

To further uniformity within the State's minor judiciary, rules of procedure for magistrates courts are to be prescribed by the Courts of Common Pleas, as is provided in another section for justices of the peace and aldermen.

ARTICLE V—THE JUDICIARY

Section 13—Fees, Fines and Penalties

Current

All fees, fines and penalties in said courts shall be paid into the county treasury.

Recommended

Repeal.

Historical Note

The section first appeared in the Constitution of 1874. No change in its provisions has been made since that time.

Comments

The provisions of this section have been incorporated in the proposed revision of Article V, Section 12 (see preceding section and comment), with limitations similar to those in the case of justices of the peace and aldermen.

ARTICLE V—THE JUDICIARY

Section 16—Voting for Judges of the Supreme Court

Current

Whenever two judges of the Supreme Court are to be chosen for the same term of service each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two; candidates highest in vote shall be declared elected.

Recommended

Repeal.

Historical Note

This provision first appeared in the Constitution of 1874. No similar section was found in any of the earlier Constitutions. It has not been changed since its adoption.

Comments

The section was added to provide for representation on the Supreme Court of the minority political party of the Commonwealth.

The current provision has the undesirable effect of

limiting the right of the elector. The repeal of the section will remove this restriction.

The General Assembly in 1957 approved Joint Resolution No. 8 which would amend this section to remove the restriction. The repeal of the section as here recommended has the same effect as the change made by J.R. 8.

ARTICLE V—THE JUDICIARY

Section 25—Selection of Judges

Current

Any vacancy happening by death, resignation or otherwise, in any court of record, shall be filled by appointment by the Governor, to continue till the first Monday of January next succeeding the first general election, which shall occur three or more months after the happening of such vacancy.

Recommended

(a) Whenever a vacancy occurs by death, resignation, removal from office or expiration of a term of office in the office of justice of the Supreme Court, judge of the Superior Court, or judge of a court of record of Philadelphia or Allegheny Counties, the Governor shall fill the vacancy by appointment from a panel of three persons learned in the law and legally qualified for the office, nominated to him by a judicial commission established and organized as hereinafter provided. If none of the persons so nominated to the Governor is acceptable to him, the judicial commission shall nominate successive panels of three persons until an appointment from a panel is made by the Governor.

(b) At any municipal or general election the qualified voters of any other judicial district may, by a majority vote of those voting on the question, elect to have the judges of the courts of record of that district appointed in the manner provided for Philadelphia and Allegheny Counties. The General Assembly shall enact the laws necessary to provide for such elections.

Where the qualified voters of any other judicial district have elected to fill vacancies in the office of judge of a court of record in the manner provided for Philadelphia and Allegheny Counties, the qualified electors of the district may thereafter, at a municipal or general election, by a majority vote of those voting on the question, elect to discontinue that method of filling a vacancy in the judicial office. The General Assembly shall enact the laws necessary to provide for such election.

(c) There shall be a judicial commission for the appellate courts, a judicial commission each for the courts of record of Philadelphia and Allegheny Counties, and a judicial commission for the courts of each judicial district which has elected to have the judges of the courts of record of that district appointed in the manner provided for Philadelphia and Allegheny Counties. Each commission shall be composed of one judge, three members of the bar selected by the members of the bar and three lay citizens. The judge and the members of the bar of each commission shall be selected in the manner and in accordance with rules prescribed by the Supreme Court. The lay citizens of each judicial commission shall be appointed by the Governor. All the members of the judicial commission for the appellate courts shall be chosen from the State at large and all the members of a

judicial commission for the courts of record of a judicial district shall be chosen from that district, except the judge, who may be chosen from another district. During the terms of office for which members of judicial commissions have been chosen, they shall not hold any office in a political party or organization, nor, except the members who are judges, hold any elective public office. They shall not receive any salary or other compensation for their services but shall receive their necessary expenses incurred while actually engaged in the discharge of their official duties. They shall hold office for the term of three years following the organization of the judicial commission of which they are members and shall be eligible for reappointment or reelection. They shall act only by the concurrence of a majority of the members of the judicial commission.

(d) Each justice or judge appointed by the Governor shall hold office for a term ending the first Monday of January following the next election appropriate for his election after the expiration of twelve months following his appointment. Not less than ninety days before the expiration of the term of office of a justice or a judge appointed by the Governor, or not less than ninety days before the expiration of the term of office of an elected judge entitled to succeed himself, the justice or judge may file in the office of the official charged with the duty of administering statewide elections a declaration of candidacy for election to succeed himself. If he does not file a declaration a vacancy shall exist at the end of his term to be filled by appointment by the Governor as herein provided. If a justice or a judge files a declaration, his name shall be submitted to the electors on a separate judicial ballot without party designation at the election immediately preceding the expiration of his term of office to determine only the question whether the justice or judge shall be retained in office. The election shall be regulated by law. If a majority vote against retaining the justice or judge, a vacancy shall exist upon the expiration of his term of office to be filled by appointment by the Governor as herein provided. If a majority vote to retain a justice or judge, he shall be deemed elected for the full term of office provided for by the Constitution or laws of this Commonwealth, unless sooner removed in the manner provided by the Constitution. At the expiration of each term, any judge entitled to succeed himself shall be eligible for retention in office by election in the manner herein provided.

(e) Any vacancy happening in any court of record in a judicial district not electing to have the judges of the courts of record appointed in the manner provided for Philadelphia and Allegheny Counties shall be filled by appointment by the Governor, to continue until the first Monday of January next succeeding the first municipal election which shall occur three or more months after the happening of the vacancy.

(f) No justice or judge of any court of record shall directly or indirectly make any contribution to or hold any office in a political party or organization, nor, while retaining judicial office, become a candidate at either a primary or general election for any other than a judicial office.

Historical Note

Early in the history of the Commonwealth, judges of the Supreme Court and other judges learned in the law

were appointed by executive power. Under the charter which Charles II gave to William Penn in 1681, Penn had the "power and authority to appoint and establish any judges and justices . . . for what causes soever . . . and with what power soever . . . as to the said William Penn, or his heirs shall seem most convenient. . . ." In 1681, Penn authored a Charter of Privileges or Proprietary Frame of Government which permitted the provincial council to "elect and present to the Governor . . . a double number of persons to serve for judges . . . within the said province, for the year next ensuing . . ." The Frame of 1683 granted the same power to the provincial council, except that the judges were "to continue so long as they shall well behave themselves . . ." The last Frame, which was granted by Penn in 1701, served the province until 1776. Under it judges were appointed, and their tenure depended upon the pleasure of the governor.

Section the Twentieth of the Constitution of 1776 provided that judges were to be appointed by a president and council which were vested with the supreme executive power. Judges of the "supreme court of judicature" were appointed for a term of seven years, "though capable of reappointment at the end of that term but removable for misbehavior at any time by the General Assembly; . . ." No mention was made in the Constitution concerning the tenure of other judges.

Under Article II, Section 8, of the Constitution of 1790, the Governor was given the power to appoint all judges. Under Article V, Section 2, of the same Constitution, all judges were to hold office during good behavior but "for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them, on the address of two-thirds of each House of the General Assembly."

Under Article V, Section 2, of the Constitution of 1838, judges were to be appointed by the Governor by and with the consent of the Senate, Justices of the Supreme Court were to hold office for fifteen years and all other judges learned in the law were to hold office for a period of ten years.

The current Constitution is the first in Pennsylvania to provide for election of judges.

Comments

The Commission is of the opinion that the ideal judiciary is composed of competent and independent judges and, for the purpose of finding the system most likely to produce them, it has examined the methods of selection employed in other states.

In one state, judges are appointed by the Governor from a list submitted by a commission and the appointee periodically goes before the people on a separate judicial ballot. In another state, judges are appointed by the governor, subject to confirmation by a commission, and the appointee periodically goes before the people on a separate judicial ballot. In four states, judges are selected by the Legislature. In five states, nominations for the judicial office are made at political party conventions and the nominees appear on non-partisan judicial ballots at the general election. In seven states, judges are appointed by the governor and the legislature. In thirteen states, nominations are made at non-partisan primary elections, and the general election is on a non-partisan basis. In seventeen states, including Pennsylvania, nominations are

made at political party primaries and the nominees appear on the ballot, opposite the party label, at the general election.

These seven methods of selecting judges fall into three general categories: the elective system, the appointive system, and the appointive-elective system. A majority of this Commission thinks that the elective system is not adequate to determine the ability of a judge. It is their belief that politicians, rather than the people, select the nominee for judicial office under this procedure and that the selection is determined not primarily on the basis of judicial ability but rather on the basis of extra-judicial consideration, such as party affiliation, membership in a particular racial or religious group, and patronage considerations. It is further thought that the elective system, requiring the judge to periodically submit himself on a party ballot to the public, tends to produce a dependent judiciary in that he must appeal for support from those who are likely to have cases before him and he must keep friendly with party bosses.

Further, the tenure of an elected judge is often tied to the fortunes of his political party and he may be retained in office, or rejected, depending upon the views of the electorate respecting national, state or local issues—which issues, important as they may be, are usually totally irrelevant to the issue of his fitness to serve as a judge. If on the basis of these extraneous considerations an elected judge is defeated, his abilities and the experience which he has gained during his term in office are lost to the people.

The majority rejected the purely appointive system for two reasons: First, partisan politics play a leading role in the selective process in that the appointing power will in nine cases out of ten appoint a member from his own party and, in so doing, will frequently yield to the political needs of his associates, or make the appointment as a reward for political service. Secondly, a judge whose tenure depends upon good behavior cannot be removed from office unless he has so abused his position as to subject himself to the impeachment process. Past experience has shown that it is virtually impossible to impeach a judge.

The Pennsylvania Plan for selection of Judges has the endorsement of the Pennsylvania Bar Association and is in many particulars similar to the constitutional amendment submitted in 1940 to the voters in the state of Missouri. The plan has been in effect in Missouri since that time. The plan eliminates many of the defects inherent in other methods of judicial selection.

ARTICLE V—THE JUDICIARY

Section 27—Dispensing with Jury Trial

Current

The parties, by agreement filed, may in any civil case dispense with trial by jury, and submit the decision of such case to the court having jurisdiction thereof, and such court shall hear and determine the same; and the judgment thereon shall be subject to writ of error as in other cases.

Recommended

The parties, by agreement filed, in any civil case, or the accused in any non-capital case, may dispense with trial by jury and submit the decision of the case to the

court having jurisdiction thereof. The court shall hear and determine the case, and the judgment thereon shall be subject to appeal as in other cases.

Historical Note

The Constitution of 1776, Section The Eleventh of the Declaration of Rights, provided explicitly for the right to trial by jury in civil controversies. This section was deleted from subsequent constitutions apparently on the theory that the right to trial by jury in both civil and criminal proceedings was preserved under Article IX, Section 6 of the Constitutions of 1790 and 1838. The current Constitution for the first time explicitly granted to the litigants the privilege of waiving a jury trial in civil cases if they so desired.

Comments

The Commission's recommendation for Article I, Section 6 preserves the right to trial by jury in criminal cases but eliminates the constitutional grant of the right of trial by jury in civil cases, thereby empowering the General Assembly to modify or limit the right in civil cases.

The Commission's recommended section also recognizes the capacity to waive a jury trial in non-capital criminal cases—a capacity expressly granted by the Act of June 11, 1935, P. L. 319, §2. It is to be noted that prior to the Act of 1935 the appellate courts of this Commonwealth refused to recognize the capacity of the defendant in a criminal case to waive a jury trial in the absence of statutory provision. The recommended section, therefore, recognizes constitutionally the statutory provision.

ARTICLE VIII—SUFFRAGE AND ELECTIONS

Section 1—Qualifications of Electors

Current

Every citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections, subject, however, to such laws requiring and regulating the registration of electors as the General Assembly may enact.

1. He or she shall have been a citizen of the United States at least one month.

2. He or she shall have resided in the State one year (or, having previously been a qualified elector or native born citizen of the State, he or she shall have removed therefrom and returned, then six months) immediately preceding the election.

3. He or she shall have resided in the election district where he or she shall offer to vote at least two months immediately preceding the election.

Recommended

Every citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections subject, however, to such laws requiring and regulating the registration of electors as the General Assembly may enact.

1. He or she shall have been a citizen of the United States at least one month.

2. He or she shall have resided in the State one year (or, having previously been a qualified elector or native born citizen of the State, he or she have removed there-

from and returned, then six months) immediately preceding the election.

3. He or she shall have resided in the election district where he or she shall offer to vote at least sixty days immediately preceding the election, except that if qualified to vote in an election district prior to removal of residence, he or she may, if a resident of Pennsylvania, vote in the election district from which he or she removed his or her residence within sixty days preceding the election.

Historical Note

The Constitution of 1776, Plan or Frame of Government, Section the Sixth, gave the status of elector to freemen, 21 years of age, who had resided in the state one whole year before the date of election, and had paid public taxes during that time, except that sons of freeholders, 21 years of age, need not have paid a tax.

The Constitution of 1790 extended residence requirement to two years, required the tax to have been "assessed" at least six months before the election, and limited the sons of qualified electors entitled to vote without paying a tax to those between 21 and 22 years of age.

Further changes were made by the Constitution of 1838. The franchise was limited to white freemen. Residence was returned to one year, with ten days' residence in the election district added. A state or county tax might be paid within two years, and assessed at least ten days before the election. Six months residence was provided for qualified voters who removed from and returned to the state. White freemen between 21 and 22, otherwise qualified, need not have paid a tax.

The Constitution of 1874 has been twice amended, in 1901 and 1933.

The first amendment added the limitation in the first sentence authorizing the General Assembly to require and regulate registration of electors as a prerequisite to voting and the 1933 amendment authorized women to vote.

Two amendments to the section were proposed by the General Assembly of 1957, Joint Resolutions No. 5 and No. 9, 1957 P. L. 1022 and 1025. The former would change the voting age from 21 to 18. The second would permit qualified electors who had moved from their election district to another district in Pennsylvania within sixty days before an election to vote in the district from which they had removed. It also would change the residence requirement in the district from two months to sixty days.

Comments

The Commission recommendation is identical with that of Joint Resolution No. 9 of 1957. This, of course, means that if the resolution is again adopted by the 1959 General Assembly, it would be submitted to the electors in November, 1959.

The thinking has long prevailed that a citizen of the Commonwealth, who is otherwise qualified as an elector, should not be disfranchised merely because he has moved to another district within the time required for residence in the district in which he offers to vote.

The Commission, after serious consideration of the question of reducing the minimum voting age to 18 years, recommends that it be retained at 21 years.

It is argued by proponents of an earlier voting age that the present day secondary school teaching, embracing

as it does the principles of civics and the structure and problems of government, give the youth of today an advantage not enjoyed by his parents at a like age. On the other hand, it is feared that lowering the historic age of maturity will have an effect in other fields now restricted to persons of twenty-one and over.

The Commission is agreed that the minimum age for voting should be kept at twenty-one.

ARTICLE IX—TAXATION AND FINANCE

Section 4—State Debt

Current

No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the State in war, or to pay existing debt; and the debt created to supply deficiencies in revenue shall never exceed, in the aggregate at any one time, one million dollars: Provided, however, That the General Assembly, irrespective of any debt, may authorize the State to issue bonds to the amount of one hundred millions of dollars for the purpose of improving and rebuilding the highways of the Commonwealth.

Recommended

(a) No debt shall be created by or on behalf of this Commonwealth unless (1) the debt has been authorized by statute, (2) the debt is for capital improvements separately specified in the statute, (3) the debt has been submitted to the qualified electors of the Commonwealth at a general, municipal, primary or special election and has been approved by a majority vote of those voting on the question, and (4) the debt is evidenced by general obligation bonds of this Commonwealth. Except as herein provided, no debt or other obligation shall hereafter be created by or on behalf of this Commonwealth, or by any authority or other agency, the repayment of which will be made either directly or indirectly from Commonwealth revenues, by direct payment or through leases or other contractual obligations. The foregoing provisions do not apply (1) to debts payable solely from the revenues from designated projects and not payable out of any other revenues of the Commonwealth, (2) to debts created in a manner provided by law, by the issuance and sale of tax anticipation notes payable in the fiscal period in which they are issued, from revenues already provided, (3) to loans authorized by section eighteen of this article, and (4) to leases and contractual obligations entered into in the course of the ordinary conduct of government and not for the purpose of financing capital improvements by making payments, through rentals or otherwise, to liquidate debts created by authorities or other agencies without the approval of the qualified electors. Nor do the foregoing provisions apply to debt created to repel invasion, suppress insurrection or defend the Commonwealth in war, or to rehabilitate areas affected by disaster. No debt to supply casual deficiencies of revenue shall be created exceeding one million dollars in the aggregate at any one time.

(b) All bonds issued shall be serial bonds repayable in equal annual installments over a period not to exceed thirty years. The first payment of principal shall be not more than two years after the date of the bond.

(c) The General Assembly may authorize by statute the issuance of general obligation bonds for the purpose of assuming any debt heretofore incurred by any authority and which is currently payable from Commonwealth revenues, under leases to this Commonwealth. The General Assembly may from time to time authorize by law the issuance of refunding bonds to pay any bonded debt of the Commonwealth existing at the time.

Historical Note

Before 1857 the state could incur debt without restriction. In that year the Constitution of 1838 was amended by adding Article IX, Sections 1, 2 and 3, which prohibited any debt except for casual deficiencies or failures in revenues, etc. limited to \$750,000, or to repel invasion, suppress insurrection, defend the state in war, or to redeem the present outstanding indebtedness.

The Constitutional Convention of 1873 raised the debt limit "created to supply deficiencies in revenue" to one million dollars. Amendments in 1918 and in 1923 authorized the state to issue bonds for highway purposes. By amendments adding sections to Article IX, the Constitution has been further altered six times to authorize the creation of debt for special purposes; payment of three bonuses for military service, purchase of toll bridges, defraying expenses of state government and for construction of public buildings. The Pennsylvania Supreme Court in 1932, in *Com. ex rel Schnader vs. Liveright*, 308 Pa. 35, held that appropriations could not exceed official estimates of revenue by more than one million dollars.

Comments

The proposal to limit the state debt as recommended by the Commission retains the one million dollar limitation on casual debt, in effect requires a balanced budget. However, provision is made for the creation of debt for capital improvement programs using general obligation bonds, if the debt is authorized by statute and approved by the electorate. The method permits much more rapid financing than is possible by amending the Constitution.

With a method available for financing state projects with general obligation bonds there is no longer any need for authority financing and the new debt section prohibits further use of the authority device. To prevent the postponement of the repayment of debt, all bonds are to have maximum maturity of 30 years, with first payment of principal required to be made two years after issuance. Tax anticipation notes and revenue bonds are excluded from debt limits.

The no-debt provision of the Constitution, requiring an amendment for any debt, has in recent years resulted in the development of the constitution-circumventing authority method of financing, now extensively used to carry on the State's huge capital improvement program.

The Commission is agreed that authority financing is unwise. Particularly undesirable is the fact that a state authority, governed by an appointive body, is able to commit the State to meet financial obligations whose repayment becomes someone else's responsibility, the Legislature's in this case. Further, the Legislature has exercised little control over the state authorities, beyond the establishment of a ceiling above which the authority may not incur obligations. Indeed, the powers of the authorities have been so expanded that they control not only the

financing of a project but also the determination of what projects shall be undertaken.

It is also a matter of record that authority bonds have consistently borne a higher interest rate than general obligation bonds.

The Commission recommendation permits the financing of all capital improvement projects using bonds backed by the "full faith and credit" of the Commonwealth. The only limits are those which may be set by the General Assembly, the bond market or, in the final analysis, the people. Authorities, or similar agencies, are therefore no longer needed.

Debt created by the sale of tax anticipation notes, payable in the same fiscal year in which issued and from revenues already provided for, are not considered as debt within the meaning of this section, nor are revenue bonds, such as turnpike or toll bridge bonds, payable from the revenues of designated projects.

Though there was some thought that the terms of the bonds should be fixed by the Legislature, the Commission viewed the matter of maximum maturity as of sufficient importance to merit its inclusion in the Constitution.

ARTICLE IX-TAXATION AND FINANCE

Section 8-Municipal Debt

Current

The debt of any county, city, borough, township, school district, or other municipality or incorporated district, except as provided herein, and in section fifteen of this article, shall never exceed seven (7) per centum upon the assessed value of the taxable property therein, nor shall any such county, municipality or district incur any debt, or increase its indebtedness to an amount exceeding two (2) per centum upon such assessed valuation of property, without the consent of the electors thereof at a public election in such manner as shall be provided by law. The debt of the city of Philadelphia may be increased in such amount that the total debt of said city shall not exceed thirteen and one-half (13½) per centum of the average of the annual assessed valuations of the taxable realty therein, during the ten years immediately preceding the year in which such increase is made, but said city shall not increase its indebtedness to an amount exceeding three (3) per centum upon such average assessed valuation of realty, without the consent of the electors thereof at a public election held in such manner as shall be provided by law. No debt shall be incurred by or on behalf of the county of Philadelphia.

In ascertaining the debt-incurring capacity of the city of Philadelphia at any time, there shall be deducted from the debt of said city so much of such debt as shall have been incurred, or is about to be incurred, and the proceeds thereof expended, or about to be expended, upon any public improvement, or in construction, purchase, or condemnation of any public utility, or part thereof, or facility, therefore, if such public improvement or public utility, or part thereof, or facility therefor, whether separately, or in connection with any other public improvement or public utility, or part thereof or facility therefor, may reasonably be expected to yield revenue in excess of operating expenses sufficient to pay the interest and sinking fund charges thereon. The method of determining such amount, so to be deducted, shall be as now prescribed by the General Assembly.

In incurring indebtedness for any purpose, the city of Philadelphia may issue its obligations maturing not later than fifty (50) years from the date thereof, with provision for a sinking fund to be in equal or graded annual or other periodical installments. Where any indebtedness shall be or shall have been incurred by said city of Philadelphia for the purpose of the construction or improvement of public works or utilities of any character, from which income or revenue is to be derived by said city, or for the reclamation of land to be used in the construction of wharves or docks owned or to be owned by said city, such obligations may be in an amount sufficient to provide for, and may include the amount of, the interest and sinking fund charges accruing and which may accrue thereon throughout the period of construction, and until the expiration of one year after the completion of the work for which said indebtedness shall have been incurred; and said city shall not be required to levy a tax to pay said interest and sinking fund charges as required by section ten of this article until the expiration of said period of one year after the completion of said work.

Recommended

(a) No debt shall be incurred or increased by or on behalf of any county, city, borough, incorporated town, township, school district or other political subdivision to an amount exceeding in the aggregate at any one time two per cent of market value of the taxable property in the political subdivision, without the affirmative vote of a majority of the qualified electors of the political subdivision voting thereon at a public election. Except as herein provided, no debt or other obligation shall hereafter be created by or on behalf of any county, city, borough, incorporated town, township, school district or other political subdivision, the repayment of which will be made either directly or indirectly from general revenues of the political subdivision, whether by direct payment or through leases or other contractual obligations.

(b) The General Assembly may impose additional restrictions and limitations, uniform on each type or class of political subdivision, on the amount of debt that may be created either with or without the consent of the electors, and may prescribe the manner in which any debt may be created. The General Assembly may provide for the apportionment amount political subdivisions of borrowing power within general limitations.

(c) Obligations payable solely from the net operating revenues from designated projects are not debt within the meaning of this section.

Historical Note

Constitutional debt restrictions on municipal borrowing power first were imposed in the Constitution of 1874. The original limits of 2% councilmanic debt and 7% electoral debt, based on assessed valuation of property, have survived until today, with the exception of limits for Philadelphia, and to a limited extent, for other municipalities where affected by the amendment of 1913 adding Section 15.

Originally, cities whose debt then exceeded 7% of assessed valuation were authorized to incur an additional 3%. Amendments were adopted in 1911, 1915, 1918, 1920 and 1951, the central purpose of which was to give special consideration to the indebtedness of Philadelphia, al-

though minor changes of general application also were adopted.

Comments

The section as recommended makes a uniform provision for all political subdivisions, including Philadelphia. It changes the base for municipal debt from assessed valuation of taxable property to market value of taxable property. Councilmanic debt is limited to 2% of the market value and no limit is set on the amount of debt which can be created with the approval of the electorate. The General Assembly is empowered to add additional limitations or restrictions, both on councilmanic borrowing and on electoral debt, and may apportion authorized borrowing power among the municipalities. The new section prohibits further use of authority financing which depends on general revenues under a lease or other arrangement.

This change permits a municipal subdivision to relate its debt to its real ability to repay its obligations—market value of taxable property. By using assessed valuation, many municipalities have been severely penalized by the unrealistic assessment ratios which are in effect throughout the state. Even the reassessment program now in progress in many counties will not result in uniformity of debt limitations, as is evident in two western counties, both of which have completed their reassessments. One has an assessment ratio of 61.4%, the other 21.2%. Yet, on the same market value, under the present system the former can borrow almost three times as much as the latter. The Commission's recommendation removes many of the inequities which would continue to exist under a system of debt limitations based on assessed valuations.

The proposal to set the councilmanic debt at 2% of market value of taxable property will give many municipalities the added borrowing power that is urgently needed. Research shows that cities, boroughs and school districts have been most hampered by present limitations, which were first set in 1874. It is contemplated, though, that the General Assembly will impose added restrictions, if they are deemed desirable.

The present limits have forced many local governments into the use of the authority method of financing. This, the Commission has agreed, is undesirable. Authority financing is, first outside the control of the creating municipality or group of municipalities and, second, much more expensive than is financing through general obligation bonds. By removing the limit on electoral debt, the Commission has made possible the construction of needed school buildings along with other municipal improvements (Courthouses, prisons, playgrounds, and other non-revenue facilities) by use of general obligation bonds. The only requirement is that the indebtedness proposed to finance the project be approved by the people.

The obligations incurred for self-liquidating projects are not to be included within debt limitations. Cross-pledging, that is, the use of revenues from one project to assist in meeting obligations of another, is made possible.

The new municipal debt section eases the constitutional restrictions which have been in effect since 1874. The broad provisions of the recommendation give to the Legislature, a body much more attuned to the needs of the times, the power and the responsibility to make adjustments that may be found to be necessary.

ARTICLE IX—TAXATION AND FINANCE

Section 11—State Sinking Fund

Current

To provide for the payment of the present State debt, any additional debt contracted as aforesaid, the General Assembly shall continue and maintain the sinking fund, sufficient to pay the accruing interest on such debt and annually to reduce the principal thereof by a sum not less than two hundred and fifty thousand dollars; the said sinking fund shall consist of the proceeds of the sales of the public works or any part thereof, and of the income or proceeds of the sale of any stocks owned by the Commonwealth, together with other funds and resources that may be designated by law, and shall be increased from time to time by assigning to it any part of the taxes or other revenues of the State not required for the ordinary and current expenses of government; and unless in case of war, invasion or insurrection, no part of the said sinking fund shall be used or applied otherwise than in the extinguishment of the public debt.

Recommended

(a) To provide for the payment of the present Commonwealth debt and any additional debt contracted, the General Assembly shall continue to maintain a sinking fund sufficient to pay the principal and interest of the debt. If at any time the General Assembly fails to make appropriation for this purpose, the State Treasurer, the provisions of article three, section sixteen notwithstanding, shall set apart from the first revenues thereafter received, applicable to the appropriate fund, a sum sufficient to pay the interest, installments of principal or contributions to the sinking fund, and shall so apply the moneys so set apart. The State Treasurer may be required to set aside and apply such revenues at the suit of any holder of Commonwealth bonds.

(b) No part of the sinking fund shall be used or applied otherwise than in the extinguishment of the public debt until all bonded debt of the Commonwealth has been completely repaid. Any money remaining in the sinking fund at such time shall be transferred to the appropriate fund and may be appropriated by the General Assembly.

Historical Note

A sinking fund provision was first incorporated into the State Constitution by the Amendment of 1857 to the Constitution of 1838. The provision was retained in substantially the same form by the Convention of 1873.

Comments

This section is amended to provide that, in event the General Assembly fails to make appropriations to maintain a sinking fund sufficient to pay principal and interest on debt, the State Treasurer shall set apart the necessary funds to do so.

The Commission has been advised that such a requirement will permit the State to sell its bonds at a lower rate of interest as a result of the additional security available to the bond purchasers. The Commission recommends the adoption of this provision which permits State financing to be done at an interest rate more favorable to the Commonwealth.

ARTICLE IX—TAXATION AND FINANCE

Section 15—

Municipal Indebtedness for Certain Public Works

Current

No obligations which have been heretofore issued, or which may hereafter be issued, by any county or municipality, other than Philadelphia, to provide for the construction or acquisition of waterworks, subways, underground railways or street railways, or the appurtenances thereof, shall be considered as a debt of a municipality, within the meaning of section eight of article nine of the Constitution of Pennsylvania or of this amendment, if the net revenue derived from said property for a period of five years, either before or after the acquisition thereof, or, where the same is constructed by the county or municipality, after the completion thereof, shall have been sufficient to pay interest and sinking fund charges during said period upon said obligations, or if the said obligations shall be secured by liens upon the respective properties, and shall impose no municipal liability. Where municipalities or counties shall issue obligations to provide for the construction of property, as herein provided, said municipalities or counties may also issue obligations to provide for the interest and sinking fund charges accruing thereon until said properties shall have been completed and in operation for a period of one year; and said municipalities and counties shall not be required to levy a tax to pay said interest and sinking fund charges, as required by section ten of article nine of the Constitution of Pennsylvania, until after said properties shall have been operated by said counties or municipalities during said period of one year. Any of the said municipalities or counties may incur indebtedness in excess of seven per centum, and not exceeding ten per centum, of the assessed valuation of the taxable property therein, if said increase of indebtedness shall have been assented to by three-fifths of the electors voting at a public election, in such manner as shall be provided by law.

Recommended

Repeal.

Historical Note

This section was added to the Constitution of 1874 by amendment in 1913. It appears now in its original form, no change having been made since its adoption.

Comments

The section provides, as to counties and municipalities other than Philadelphia, that debt incurred for construction or acquisition of waterworks, subways and underground and street railways, if net revenue from such projects for a five-year period is sufficient to pay interest and sinking fund charges on the debt, shall not be considered debt within the meaning of Section 8 of Article IX.

It also permits any of the cited municipalities to incur debt beyond the constitutional maximum of seven percent to ten percent, with the approval of three-fifths of the voters at an election.

The more generous limitations proposed in Section 8 eliminate the need for this section. Its repeal is accordingly recommended.

ARTICLE XIV—COUNTY GOVERNMENT

Section 1—Optional Plans of County Government

Current

County officers shall consist of sheriffs, coroners, prothonotaries, registers of wills, recorders of deeds, commissioners, treasurers, surveyors, auditors or controllers, clerks of the courts, district attorneys and such others as may from time to time be established by law; and no treasurer shall be eligible for the term next succeeding the one for which he may be elected.

Recommended

The General Assembly shall provide by general law for the government of counties. The General Assembly may, by law applicable to all classes of counties or to a particular class, provide optional plans of county organization and government under which an authorized optional plan may be adopted or abandoned by a majority of the qualified electors of a county voting thereon. One option shall be the form of county government at the time prescribed by law for the particular class of county. Under any plan, the governing body shall be an elective body.

Section 2—County Officers

Current

County officers shall be elected at the municipal elections and shall hold their offices for the term of four years, beginning on the first Monday of January next after their election, and until their successors shall be duly qualified; all vacancies not otherwise provided for, shall be filled in such manner as may be provided by law.

Recommended

Elective county officers shall be chosen at municipal elections and shall take office on the first Monday of January next after their election. They shall hold office until their successors have qualified. Elective county officers shall be citizens of the Commonwealth and qualified electors of the county.

Section 3—Residence Requirement for Appointment to a County Office

Current

No person shall be appointed to any office within any county who shall not have been a citizen and an inhabitant therein one year next before his appointment, if the county shall have been so long erected, but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

Recommended

Repeal.

Section 4—County Seat; Location of Offices

Current

Prothonotaries, clerks of the courts, recorders of deeds, registers of wills, county surveyors and sheriffs, shall keep their offices in the county town of the county in which they respectively shall be officers.

Recommended

Repeal.

Section 5—Compensation of County Officers

Current

The compensation of county officers shall be regulated by law, and all county officers who are or may be salaried shall pay all fees which they may be authorized to receive, into the treasury of the county or State, as may be directed by law. In counties containing over one hundred and fifty thousand inhabitants all county officers shall be paid by salary, and the salary of any such officer and his clerks, heretofore paid by fees, shall not exceed the aggregate amount of fees earned during his term and collected by or for him.

Recommended

Repeal.

Section 6—Accountability of Municipal Officers

Current

The General Assembly shall provide by law for the strict accountability of all county, township and borough officers, as well for the fees which may be collected by them, as for all public or municipal moneys which may be paid to them.

Recommended

Repeal.

Section 7—County Commissioners and Auditors

Current

Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year one thousand nine hundred and eleven and every fourth year thereafter; and in the election of of said officers each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected; any casual vacancy in the office of county commissioner or county auditor shall be filled, by the court of common pleas of the county in which such vacancy shall occur, by the appointment of an elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled.

Recommended

Repeal.

Historical Note

Except for the general provisions of Sections 2 and 4, all of the provisions made in Section 1 through 7 first appeared in the Constitution of 1874. Amendments of 1909 changed three-year terms to four years and an amendment of 1945 permitted the county sheriff to succeed himself.

Comments

The recommended change permits legislation for optional plans of county government, thereby extending a measure of home rule to the counties.

The detailed enumeration of the county "row offices"; the provisions to authorize the Legislature to regulate compensation and to provide for accountability and the attendant details are statutory in nature and need not be set forth in the general framework of the Constitution. The present county long ballot, which means great rigidity and diffusion of responsibilities in county government, leaves little room for constructive development in county organization.

The recommendation in Section 2 regarding county officers omits any requirement that terms of office be four years. This, too, is a statutory matter which may vary with the optional plans to be developed.

ARTICLE XV—CITIES AND BOROUGHES

Section 1—Incorporation and Corporate Changes

Current

Cities may be chartered whenever a majority of the electors of any town or borough having a population of at least ten thousand shall vote at any general or municipal election in favor of the same. Cities, or cities of any particular class, may be given the right and power to frame and adopt their own charters and to exercise the powers and authority of local self-government, subject, however, to such restrictions, limitations, and regulations, as may be imposed by the Legislature. Laws also may be enacted affecting the organization and government of cities and boroughs, which shall become effective in any city or borough only when submitted to the electors thereof, and approved by a majority of those voting thereon.

Recommended

The General Assembly shall provide by general law for the incorporation and government of cities and boroughs and the methods by which municipal boundaries may be altered and municipalities may be consolidated or dissolved.

Section 2—Optional Plans of Organization and Government

Current

Section recommended is new and not similar to existing section. Current section can be found on page 158.

Recommended

The General Assembly may, by general law, provide optional plans of municipal organizations and government under which an authorized optional plan may be adopted or abandoned by majority vote of the qualified electors of the city or borough voting thereon.

Section 3—Home Rule Charter Making

Current

Section recommended is new and not similar to existing section. Current section can be found on page 159.

Sections 4 and 5 are not similar to proposed matter and are not included here. The sections can be found on pages 162-167.

Recommended

(a) The qualified electors of any city or borough may adopt, amend or repeal a home rule charter of government. The adoption, amendment or repeal of a charter shall be proposed either by resolution of the legislative body of the city or borough or by a charter commission of not less than seven members elected by the qualified electors of the city or borough from their membership pursuant to petition for such election, bearing the signatures of at least ten per cent of the qualified electors of the city or borough and filed with the chief recording

officer of the legislative body of the city or borough. The legislative body of the city or borough shall by resolution direct the election board to provide for holding the election in accordance with the provision of the election laws. On the death, resignation or inability to serve of any member of a charter commission, the remaining members shall elect a successor. A charter commission may propose (1) the adoption of a charter, (2) amendment of a charter or particular part or parts of a charter, or (3) repeal of a charter, or (4) any of these acts, as specified in the petition.

(b) The General Assembly shall provide by statute for procedure not inconsistent with the provisions of this section, and may provide by statute for a number of charter commission members in excess of seven on the basis of population. In the absence of such legislation, the legislative body of a city or borough in which the adoption, amendment or repeal of a charter is proposed shall provide by ordinance or resolution for the procedure; and the number of charter commission members shall be seven. The legislative body may, if it defaults in the exercise of this authority, be compelled by judicial mandate, at the instance of at least ten signers of a sufficient petition filed under this section, to exercise the authority.

(c) All expenses of elections conducted under this section and all proper expenses of a charter commission shall be paid by the city or borough.

(d) Every charter, charter amendment and charter repeal proposed shall be submitted to the vote of the electors of the city or borough in the manner provided by the election laws, and shall not become effective unless a majority of the electors voting on it votes in favor of it.

(e) Any part of a proposed home rule charter may be submitted for separate vote. Alternate sections or articles of a proposed home rule charter or proposed charter amendments may be submitted. The section or article receiving the larger vote, in each instance, shall prevail if the charter or amendment is adopted.

(f) A city or borough which adopts a home rule charter may exercise any power or perform any function which the General Assembly has power to devolve upon a non-home rule charter city or borough, so long as the power or function is not denied by statute nor by its home rule charter and it is within limitations as may be established by the statute. This devolution of power does not include the power to enact private or civil laws governing civil relationships except as an incident to an exercise of an independent municipal power, nor does it include power to define and provide for the punishment of a felony.

(g) Charter provisions with respect to municipal executive, legislative and administrative structure and organization, and to the selection, compensation, terms and conditions of service, removal and retirement of municipal personnel are of superior authority to statute, subject to the requirement that the members of a municipal legislative body be chosen by popular election, and except as to judicial review of administrative proceedings, which shall be subject to the superior authority of statute.

(h) A municipal legislative body or charter commission which proposes the termination of home rule charter status by repeal of a home rule charter shall incorporate in the proposition to be submitted to the qualified electors a specification of the form of government under

which the city or borough would thereafter operate in the event of repeal, whether it be a form prescribed by general law for municipalities of its population class or one of such optional forms as may have been authorized by general law for cities or boroughs of its population class. A municipal legislative body or charter commission proposing charter repeal shall also, by resolution of that body, determine when the transition to the new form of government shall take place in the event of repeal and make such other provisions as may be appropriate to effect an orderly transition from home rule charter to non-home rule charter status.

(i) At least thirty days before an election thereon, notice shall be given by publication in a newspaper of general circulation within the city or borough that copies of a proposed charter, charter amendment or repeal proposition and resolution are on file in the office of the chief recording officer of the legislative body of the city or borough, and that a copy will be furnished by him to any qualified elector or taxpayer of the city or borough upon request.

(j) The qualified electors of a city or borough shall not elect a charter commission more often than once in four years.

Historical Note

The Constitution of 1874 was the first to provide for the chartering of cities. An amendment in 1922 authorized the General Assembly to empower cities to "frame and adopt their own charters and to exercise the powers and authority of self-government" subject to whatever limitations the General Assembly might impose. In another amendment, adding a Section 4 in 1933, provisions were made for the consolidation of Allegheny County with governmental units within the county and for a charter for its government. No action has been taken by the people of that county. Enabling legislation to put into effect the amendment of 1922 was passed in 1949.

Comments

What is proposed here is what amounts to a complete revision of Article XV.

With respect to provision for the incorporation and government of cities and boroughs, the new Section 1 would vest in the General Assembly full power to act by general law. It would leave to the General Assembly the power to determine the population line between cities and boroughs. With respect to classification of cities and boroughs by population, Section 34 of Article 3 would remain unchanged and would control.

The present Section 1 authorizes the General Assembly to make provision by general law for optional plans for municipal organization and government. The substance of this is retained in Section 2 of the proposed revision of Article XV. Under this authorization the Legislature could make provision for a number of optional plans, any one of which might be adopted or abandoned by decision of the voters.

The home rule provision of the present Section 1, which is applicable only to cities, would be replaced by a new Section 3, which would provide home rule authority for both cities and boroughs and would embrace a different approach to home rule. The first important difference to note is that the new provision would be self-executing

in the sense that charter-making powers and the substantive home rule powers would be made available directly by the Constitution and would not have to be made available by enabling legislation, whereas under the present Constitution enabling legislation is necessary. It is true that the proposed plan would leave the legislature free to spell out the details of charter-making procedure, but the municipality might by action of its legislative body, cover the ground in default of action by the General Assembly. The significance of this self-executing feature is made clear by reference to the fact that twenty-seven years elapsed before enabling legislation was passed to effectuate the present provision and that only as to cities of the first class.

The present home rule provision makes the well-known distinction, which is fairly common in other home rule states, between so-called matters of state concern and what falls under the head of "local self-government." Local autonomy is confined to the latter. Experience in other states has demonstrated that this is not a distinction of solid meaning and predictable application. As a matter of fact, its presence in the constitutional home rule provision has often served simply to shift questions, which are largely political in character, to the judicial forum for decision. The central idea in the proposed provision rejects the assumption that governmental powers and functions are inherently of either general or local concern. It proceeds, instead, on the theory that a municipality, which adopts a home rule charter, should be free to exercise any appropriate power or function except as expressly limited by its home rule charter or by general statute. This has the double advantage of reversing the traditional strict-constructionist judicial approach to municipal powers and, at the same time, giving the legislature ultimate authority to deal flexibly, on a broad basis, with the problems of a fast-changing society. It will be seen that this approach avoids the rigidity of an outright grant of substantive powers which are beyond legislative control, and, at the same time, embraces a policy of great freedom of local decision, subject to possible legislative action in the interest of the larger community.

In one respect the proposed home rule plan would give charter municipalities authority which would be beyond legislative control. It would confer this kind of autonomy with respect to municipal executive, legislative and administrative structure and organization, and to the selection, compensation, terms and conditions of service, removal and retirement of municipal personnel. These are considered to be matters which should be fully within the local purview.

Section 2 of the present article simply lays down the sound policy that a municipal commission shall make no financial commitments except in pursuance of a previous appropriation. There is no question about the good sense of this policy. It is the sort of thing, however, which is appropriate for policy determination at the statutory level. It is, accordingly, recommended that the section be repealed.

The present Section 3 requires that every city create a sinking fund which shall be involitably pledged for the payment of its funded debt. This type of requirement is identified with term bonds, all of which are payable at one maturity date. In contemporary municipal finance, term bonds have been almost completely supplanted by

serial bonds, which mature from year to year, with the expectation of current provision for current installments of principal and interest. This largely obviates the need for the type of sinking fund contemplated by the present Section 3. At most, a policy of this sort is something for legislative determination. The section is, accordingly, recommended for repeal.

Section 4 of the present article has to do with consolidation in Allegheny County. It is a very detailed section, which represents a constructive attitude toward the problems of local government in a major metropolitan area. It is, however, an enabling provision, which has not been employed and which, in some respects, the times have outrun. The General Assembly, it is believed, would have broad authority to pave the way for new governmental arrangements in metropolitan areas under the constitution as proposed to be modified. It is considered desirable, then, to supersede the present Section 4.

Section 5 is an outmoded special provision for excess condemnation. Developments in legal and governmental ideas as to community planning and development have proceeded on the broader fronts of urban redevelopment and renewal. Section 5 is outmoded and should be repealed.

ARTICLE XVIII—AMENDMENT AND REVISION

Section 1—Future Amendments

Current

Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and, if the same shall be agreed to by a majority of the members elected to each House, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and if, in the General Assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each House, the Secretary of the Commonwealth shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the State in such manner, and at such time, at least three months after being so agreed to by the two Houses, as the General Assembly shall prescribe; and, if such amendment or amendments shall be approved by a majority of those voting thereon, such amendment or amendments shall become a part of the Constitution; but no amendment or amendments shall be submitted oftener than once in five years. When two or more amendments shall be submitted they shall be voted upon separately.

Recommended

Amendments to this Constitution may be proposed in the Senate or House of Representatives at any regular session of the General Assembly. If agreed to by a majority of the members elected to each House, they shall be entered on their journals with the yeas and nays taken thereon; and the official charged with the duty of administering statewide elections shall publish each amendment

three months before the next general or municipal election in at least two newspapers in every county in which such newspapers are published. If at the next regular session of the General Assembly the proposed amendment is agreed to by a majority of the members elected to each House, the official charged with the duty of administering statewide elections shall again and in like manner publish the proposed amendment; and it shall be submitted to the qualified electors of the Commonwealth in such manner and at such time, at least three months after being agreed to for the second time by both Houses, as the General Assembly prescribes. If an amendment is approved by a majority of those voting thereon, it shall become part of this Constitution. After an amendment has been once submitted and not approved, it or one substantially related, shall not again be submitted until a period of five years has elapsed. When two or more amendments are submitted, they shall be voted on separately.

Historical Note

Amendment of the Constitution of 1776 could be made only by a convention called for the purpose, and such a convention could not be called more often than once every seven years. It was never amended. The Constitution of 1790 contained no provision for amendment. The Constitution of 1838 adopted a provision similar to that which is today in effect.

The Commission on Constitutional Amendment and Revision of 1920 proposed to eliminate the prohibition against submitting amendments oftener than once in five years.

This particular provision shortly afterwards became the subject of judicial interpretation by the Supreme Court, which ruled that all amendments, whether or not previously submitted, were subject to the rule, and that it was impossible to amend the Constitution oftener than once every five years: *Armstrong v. King*, 281 Pa. 207; *Taylor v. King*, 284 Pa. 235.

A few years later the Supreme Court reversed itself and held that the prohibition applied only to amendments previously submitted: *Com. ex rel. v. Lawrence*, 326 Pa. 526.

Comments

The Commission proposes to permit a constitutional amendment to be approved by two successive regular sessions of the General Assembly instead of as present by two successive General Assemblies. If annual sessions are adopted, this will materially shorten the period within which an amendment can be made.

It is also proposed to have amendments acted on only at regular sessions of the General Assembly. Under the present language it has been held that amendments may be adopted at special sessions: *Sweeney v. King*, 289 Pa. 92. This is in order to insure that a substantial time will elapse between the first and second adoption of an amendment.

Since it is proposed to remove the Secretary of the Commonwealth as a constitutional officer, "the official charged with the duty of administering statewide elections" has been substituted for "Secretary of the Commonwealth."

The proposed amendment would make it definite that the prohibition against submitting amendments more often than five years applies only to amendments sub-

mitted and not approved. This is now not at all certain from the language of the Supreme Court in the case of *Com. ex rel. v. Lawrence*, 326 Pa. 526.

CLASS 2 CHANGES

Class 2 changes are those recommendations for amendment which the Commission deems to be very desirable, but which are not vital for the efficient conduct of the state government.

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ARTICLE I—DECLARATION OF RIGHTS

Section 10—Twice in Jeopardy; Eminent Domain

Current

No person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court for oppression or misdemeanor in office. No person shall, for the same offense, be twice put in jeopardy of life or limb; nor shall private property be

taken or applied to public use, without authority of law and without just compensation being first made or secured.

Recommended

No person shall, for the same offense, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured.

Historical Note

In the Constitution of 1776, Declaration of Rights, Clause Eight made no mention of the requirement of criminal procedure by indictment, but did deal with the question of eminent domain in the following manner. "No part of a man's property can be justly taken from him or applied to public uses, without his own consent, or that of his legal representative." Article IX, Section 10, of the Constitution of 1790, as well as Article IX, Section 10, of the Constitution of 1838, were similar to the current section above, the only difference therein being the last phrase, which read, "without just compensation being made." The current section is the first section to provide that compensation be first made and secured.

Comments

The Commission's proposal makes no change in the provisions with regard to double jeopardy and eminent domain. However, it does remove the provision against proceeding by information for a criminal offense—the requirement of indictment by the grand jury in criminal prosecutions. The removal of this requirement does not automatically eliminate the necessity of indictment by the grand jury. It does mean, however, that the Legislature would, if this amendment is adopted, have the power to eliminate completely or limit partially the requirement of indictment by the grand jury.

Over the years, our appellate courts have placed some limitations on the necessity of indictment by the grand jury. It has been held that this requirement is applicable only to such conduct which is inherently offensive to the public peace, morals and economy, and not to that which is within the power of the Legislature to prescribe as new crimes. The Legislature has the power, according to these decisions, to prescribe new offenses and provide penalties therefor, and in so doing it may set forth the procedure by which a person charged with the commission thereof may be tried and his guilt or innocence determined. It may do this without the statutory offense necessarily taking on the attributes of a common law offense and becoming thereby indictable within the meaning of the constitutional provision. Under the Fifth Amendment of the federal Constitution, though very similar in language, the requirement of presentment or indictment by a grand jury has been so construed to apply to every case where the accused is made subject to imprisonment in a penitentiary or at hard labor. This has been held to be applicable to a statutory crime, in an outgrowth of the common law, which is punishable by imprisonment at hard labor or by a fine.

It is the Commission's belief that under present-day conditions there is no longer any necessity for indictment by the grand jury. Irrespective of whether or not such indictment is required, a criminal offense will come into

court and at that point the defendant's rights be properly and adequately protected. Today the grand jury might, and perhaps has in the past, been a shield to protect the guilty rather than the innocent. It is theoretically and actually possible for prosecutions against guilty parties to be thrown out by the grand jury and never come to trial. The innocent will be protected in court. The guilty should not be protected from court.

However, the grand jury can sometimes perform a useful function, where the prosecutor needs its assistance to carry out an investigation with subpoena power. For this reason, the draft leaves it up to the legislature to define the proper scope of future grand jury functions.

ARTICLE II—THE LEGISLATURE

Section 6—Disqualification to Hold Other Office

Current

No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth, and no member of Congress or other person holding any office (except of attorney-at-law or in the militia) under the United States or this Commonwealth shall be a member of either House during his continuance in office.

Recommended

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office or employment under this Commonwealth to which a salary, fee or perquisite is attached. No member of Congress or other person holding any office (except of attorney-at-law or in the militia) under the United States or this Commonwealth or any political subdivision thereof, to which a salary, fee or perquisite is attached, shall be a member of either House during his continuance in office.

Historical Note

The Constitution of 1776 provided that no member of the House of Representatives "while he continues such" should hold any other office except in the militia. The Constitution of 1790 and the Constitution of 1838 disqualified Senators or Representatives from appointment to "any civil office under this Commonwealth, which shall have been created, or the emoluments of which shall have been increased, during such time."

Comments

The current section provides that a member of the General Assembly cannot, during the term of office for which he is elected, accept a civil office under the Commonwealth. This section has been interpreted to mean that even if he were to resign from the General Assembly he could not accept appointment to civil office during the term.

The term "civil officer" under the prior sections has been interpreted to mean one who received a certificate of appointment, took an oath of office, had a term or tenure of office, and discharged duties and exercised powers depending directly upon the authority of law.

The Commission's recommendation not only includes appointments to civil office but also service as an employee of the Commonwealth. Thus, during the term for

which a member of the General Assembly has been elected, he would be barred from accepting virtually any appointive State position.

The section further provides that members of Congress, or persons holding office under the United States or the Commonwealth, cannot concurrently serve as members of the General Assembly. This section has been interpreted to mean that a person can resign his congressional seat, or his office, in order to serve in the General Assembly.

The Commission's recommendation broadens the term "office under the United States or the Commonwealth" to include "or any political subdivision thereto to which a salary, fee or perquisite is attached." Thus, office holders at the municipal, township and borough levels will have to resign their offices in order to become members of the General Assembly.

ARTICLE III—THE LEGISLATION

Section 3—Form of Bills

Current

No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title.

Recommended

No bill, except general appropriation bills and bills codifying existing law, shall be passed containing more than one subject, which shall be clearly expressed in its title.

Historical Note

The provisions of this section were first adopted in 1864 by amendment to the Constitution of 1838. It was intended to stop the use of omnibus bills in which one subject was indicated in the title while others were referred to by the phrase "and for other purposes." The amendment of 1864 excepted all appropriation bills from the single subject and title notice requirements. The Constitution of 1874 modified the earlier provision to except only the general appropriation bills from the multiple-subject prohibition.

Comments

The change recommended expands the exception to single-subject bills by permitting multi-subject bills for the purpose of codifying existing law.

The proposal removes any doubt that it is permissible to adopt an official code, bringing together the entire body of Commonwealth statutory law of a general and permanent nature. A similar procedure is in effect in many of the other states. Such a codification would make no change in existing law, but would merely bring together laws existing at the time of the codification.

ARTICLE III—LEGISLATION

Section 4—Consideration of Bills

Current

Every bill shall be read at length on three different days in each House; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law,

unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal, and a majority of the members elected to each House be recorded thereon as voting in its favor.

Recommended

Every bill shall be considered on three different days in each House. All amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill. No bill shall become a law, unless on its final passage the vote is taken by yeas and nays, the names of the persons voting for and against it are entered on the journal, and a majority of the members elected to each House is recorded thereon as voting in its favor.

Historical Note

The Constitution of 1776, in the Plan or Frame of Government, Section the Fifteenth, provided in part that ". . . all bills of a public nature shall be printed for the consideration of the people, before they are read in general assembly for the last time for debate and amendment; and, except on occasions of sudden necessity, shall not be passed into laws until the next session of assembly . . ." The Constitutions of 1790 and 1838 included no comparable provisions. The Convention of 1873 adopted the present wording, which has remained unchanged.

Comments

The recommendation removes the requirement that all bills be "read at length" on three different days and substitutes the proviso that all bills be "considered" on three different days.

This constitutional provision is generally ignored. In practice, bills are not read. The bill number, the printer's number and a few words of the title are read, except when the provision is invoked for the purpose of obstructing the passage of a bill or as a medium for filibustering.

Reading of bills at length cannot be done, with the tremendous number presented during a session. Bills vary in size from one printed page to more than 500 pages and to attempt to read each at length would extend the legislative session months beyond its normal length.

Every member of the House and Senate has available on his desk a printed copy of every bill reported from committee. In addition, the title of each bill to be considered is on the daily calendar. With all this, the members have full opportunity to be cognizant of the substance of any bill on which they act.

Copies of bills in original and amended forms are also immediately available for the asking to interested individuals and organizations.

There have been instances in which, upon the insistence by a member that an unusually long bill be read at length, a number of reading clerks were assigned portions of the bill and all read simultaneously. Whenever any question concerning alleged improper legislative procedure has been raised in the courts, the courts have consistently refused to inquire whether the formalities of enactment have been complied with.

Obviously, then, actual reading is time-consuming, impractical and unnecessary.

ARTICLE III—LEGISLATION

Section 7—Special and Local Legislation

Current

The General Assembly shall not pass any local or special law:

* * *

Creating corporations, or amending, renewing or extending the charters thereof:

Recommended

The General Assembly shall not pass any local or special law:

* * *

25. Creating corporations or amending, renewing or extending the charters thereof, except as provided in article sixteen;

Historical Note

The first restraint upon the Legislature to prevent local and special legislation was one adopted in the Constitution of 1838 by limiting action on divorces. An amendment in 1864 added another prohibition and the Convention of 1873 approved the 28 which are in the present Constitution. Clause 25 alone is discussed here.

Comments

The Commission recommends that Clause 25 be changed by including an exception to eliminate the conflict with Article XVI, Sections 2 and 10. The change leaves the Legislature free to alter charters of incorporation by special act. This power is consistent with the change proposed in Article XVI, on which comments may be found on pages 74 and 75.

Although general laws existed prior to 1874 providing for the incorporation and regulation of a number of different types of corporations, the practice of appealing to the Legislature for special acts was still quite prevalent.

The prohibition of special legislation on the subject and the enactment of the general corporation act of 1874 made corporation procedure an administrative and judicial matter, and compelled corporators to go to these agencies for their corporate needs.

ARTICLE III—LEGISLATION

Section 12—Purchasing

Current

All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished, and the printing, binding and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract to be given to the lowest responsible bidder below such maximum price and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor General and State Treasurer.

Recommended

All purchases made by the government of this Commonwealth shall so far as practicable be made under a system of competitive bidding. No member or officer of any department of the government shall be in any way interested in Commonwealth purchase contracts and all such contracts shall be subject to the approval of the Auditor General.

Historical Note

The section was first adopted in the Constitution of 1874. No similar provision appeared in earlier Constitutions and the present section is unchanged from its original form.

Comments

The section is changed to require that all purchases, so far as practicable, be made by competitive bidding. This is an expansion of the 1873 proposal, which did require that a contract be given to "the lowest responsible bidder" but which was limited in its application.

A policy of competitive bidding is presently in force under the Administrative Code. This provision reinforces the statutes on the matter.

The Commission retains the prohibition against any officer of the state government being interested in a purchase contract. The proposal also removes the requirement that the State purchase its printing and makes it possible for the State to do its own printing.

ARTICLE III—LEGISLATION

Section 16—Public Moneys; Cash Refunds

Current

No money shall be paid out of the treasury, except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof.

Recommended

No money shall be paid out of the treasury except on appropriations made by law, and on warrant issued by the proper officer; but cash refunds of taxes, licenses, fees and other charges paid or collected but not legally due may be paid as provided by law, without appropriation, from the fund into which they were paid, on warrant of the proper officer.

Historical Note

The provision of the present Constitution is substantially that which appeared in the Constitution of 1790 and which was repeated in 1838. The only addition was the proviso that warrant of the proper officer be required.

Comments

The current section has been so interpreted as to prohibit the making of cash refunds except from funds appropriated especially for such purposes.

It has been the practice to issue credit refunds in case of overpayment of taxes and to permit the taxpayer to apply the credit against future taxes. This practice has forced corporations to engage in an arrangement of credit exchanging which is quite inconvenient for the larger companies and almost impossible for the smaller ones.

In 1957, legislation was adopted (Act 57, P. L. 114 and

Act 323, P. L. 584) which permits the Secretary of Revenue to make refunds of sales taxes erroneously collected. No appropriation was provided. Funds were later made available by allocation by the Governor from the General Fund.

Under present procedures and with the exception mentioned above, refunds are made from appropriations upon approval of the Board of Finance and Revenue and warrant of the Auditor General. The proposed amendment authorizes making of cash refunds, without appropriation, from the funds into which the erroneous payments were paid. The provision is not self-executing. Legislation is necessary to provide a procedure under which refunds may be authorized. This, in all probability, would be through the agency of the Board of Finance and Revenue.

Under the present system of credit refunds, the State has the use of a taxpayer's funds for as long as it takes the taxpayer to apply the credit to other taxes or to exchange with another taxpayer. During that time, the State pays no interest for the use of the funds which it received in error. A system of cash refunds will eliminate this undesirable practice.

ARTICLE III—LEGISLATION

Section 17—Appropriations to Charitable and Educational Institutions

Current

No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House.

Recommended

Repeal.

Historical Note

This section was written into a Constitution for the first time in 1874. No corresponding provisions appeared in earlier Constitutions and no amendment has been made to this section.

Comments

The requirement for a two-thirds vote was adopted in 1874 to further restrict the General Assembly in the area of special legislation. Today the requirement has become the means by which the minority can force the majority to meet some of the minority's demands.

In recent sessions, neither political party has represented two-thirds of the members elected to either house. Consequently, to pass appropriations to universities, other than The Pennsylvania State University, and to private schools and homes for the maintenance of wards of the State, it is necessary to have support from the minority party.

The Commission does not look on the resulting trading situation as being a healthy one. The attendant delays and the possibility of unwise legislation make the provision more undesirable.

ARTICLE III—LEGISLATION

Section 20—Delegation of Powers

Current

The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

Recommended

Repeal.

Historical Note

The provisions of the section were introduced for the first time in the Constitution of 1874. No similar provision appeared earlier and no change has been made to the present section.

Comments

The section was designed to protect municipalities from the onerous practice of creating commissions, or other agencies, with the power to tax, over which there was no effective means of control by the municipality whose inhabitants pay the tax.

Although the section has been before the courts in a number of cases, comparatively few laws have been invalidated by its provisions.

While this provision may have been desirable in 1874, in the light of today's tremendous metropolitan movement the section has become rather a hindrance and should be removed.

ARTICLE IV—THE EXECUTIVE

Section 1—Executive Department

Current

The executive department of this Commonwealth shall consist of a Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney General, Auditor General, State Treasurer, Secretary of Internal Affairs and a Superintendent of Public Instruction.

Recommended

The Executive Department of this Commonwealth shall consist of a Governor, Lieutenant Governor, Attorney General, Auditor General and State Treasurer and such other officers as the General Assembly may from time to time prescribe.

Historical Note

The enumeration of the officers comprising the executive department, the so-called "constitutional officers," was an innovation in the Constitution of 1874. No change has been made since the present Constitution was adopted.

Comments

Elsewhere in Article IV, recommendations have been made to remove as "constitutional officers" the Secretary of the Commonwealth, the Secretary of Internal Affairs and the Superintendent of Public Instruction. Changes are made in this section to coordinate with those recommended in others.

The section as changed lists only the Governor, who is head of the executive department; the Lieutenant-Governor, who would succeed the Governor in event of death or disability; the Attorney General, who is the State's legal counsel; and the fiscal officers, the Auditor General and the State Treasurer.

ARTICLE IV—THE EXECUTIVE

Section 8—Appointing Power

Current

He shall nominate and by and with the advice and consent of two-thirds of all the members of the Senate, appoint a Secretary of the Commonwealth and an Attorney General during pleasure, a Superintendent of Public Instruction for four years, and such other officers of the Commonwealth as he is or may be authorized by the Constitution or by law to appoint; he shall have power to fill all vacancies that may happen in offices to which he may appoint, during the recess of the Senate, by granting commissions which shall expire at the end of their next session; he shall have power to fill any vacancy that may happen, during the recess of the Senate, in the office of Auditor General, State Treasurer, Secretary of Internal Affairs or Superintendent of Public Instruction, in a judicial office, or in any other elective office which he is or may be authorized to fill; if the vacancy shall happen during the session of the Senate, the Governor shall nominate to the Senate, before their final adjournment, a proper person to fill said vacancy; but in any such case of vacancy, in an elective office, a person shall be chosen to said office on the next election day appropriate to such office according to the provisions of this Constitution, unless the vacancy shall happen within two calendar months immediately preceding such election day, in which case the election for said office shall be held on the second succeeding election day appropriate to such office. In acting on executive nominations the Senate shall sit with open doors, and, in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays and shall be entered on the journal.

Recommended

(a) The Governor shall, with the consent of a majority of the members elected to the Senate, appoint an Attorney General and other officers authorized by the General Assembly.

(b) He may, during the recess of the Senate, fill vacancies happening in offices to which he appoints by granting commissions expiring at the end of its session. He may, during the recess of the Senate, fill vacancies happening in the office of Auditor General or State Treasurer, in a judicial office or in any other elective office he is authorized to fill. If the vacancy happens during the session of the Senate, he shall nominate to the Senate, before its final adjournment, a proper person to fill the vacancy. In the case of a vacancy in an elective office, except in a judicial office, a person shall be elected to the office on the next election day appropriate to the office, unless the vacancy happens within two calendar months immediately preceding the election day, in which case the election shall be held on the second succeeding election day appropriate to the office.

(c) In acting on executive nominations, the Senate shall sit with open doors. The vote shall be taken by yeas and nays, and shall be entered on the journal.

Historical Note

The Constitution of 1790 provided for the appointment by the Governor of "all officers, whose offices are estab-

lished by this constitution, or shall be established by law, and whose appointments are not herein otherwise provided for." Another section of that Constitution said "A secretary shall be appointed" and thus provided for the officer now known as the Secretary of the Commonwealth.

The Constitution of 1838 gave the Governor the power to "appoint a secretary of the commonwealth during pleasure, and he shall nominate and, by and with the advice and consent of the senate, appoint all judicial officers of courts of record, unless otherwise provided for in this constitution."

The Constitution of 1874 adopted the present provision, including the requirement that a two-thirds vote of the Senate be required to confirm appointments of the Governor. Minor changes were made by amendment in 1909.

Comments

The changes proposed are two-fold: one change removes the requirement for a two-thirds majority for Senate confirmation, a simple majority being made sufficient; the other removes references to the Secretary of the Commonwealth, the Secretary of Internal Affairs and the Superintendent of Public Instruction—the three "constitutional officers" which the Commission thinks should not be named in the Constitution.

The Commission has removed in all instances, save two, requirements for two-thirds majorities for legislative approval. The Commission thinks that the resulting trading situation which develops within the Assembly when it is necessary to secure a two-thirds vote is not healthy. Further, the time-honored custom that "the majority rules" is desirable and should be maintained. The two exceptions made elsewhere are in the instance of a vote to pass a bill over a Governor's veto and in impeachment proceedings.

The Commission considered a change to remove the Attorney General as an appointive officer and provide for his election.

The position in favor of retaining an appointive Attorney General was well stated by President Taft before the New York Constitutional Convention of 1915:

"Well, if you are going to have a lot of independent officers who are running their own boats, paddling their own canoes, without respect to the head of the state, then of course you want a judicial officer to decide between them. But if you are running a government on the basis of a head man being responsible for what is done, and for the work being done in the most effective way, then what you want is a counsel. When you consult a lawyer, you don't consult a judge. You consult a man who is with you, seeking to help you carry out the lawful purposes that you have. Therefore, he ought to be your appointee. You select him. Now the chief executive is given an attorney-general to advise and represent him in all legal matters. I don't see why he shouldn't be appointed. It would be most awkward if he was not in Washington, I can tell you that."

In Pennsylvania, the present appointive system has the active support of most former Attorneys General of the State. Change has been opposed by every responsible commission that has considered the matter—from the Commission on Amendment and Revision of 1920 to the Commission on Governmental Reorganization of 1957.

This Commission recommends that the present practice of appointing the Attorney General be continued.

ARTICLE IV—THE EXECUTIVE

Section 18—Duties of Secretary of the Commonwealth

Current

The Secretary of the Commonwealth shall keep a record of all official acts and proceedings of the Governor, and when required lay the same with all papers, minutes, and vouchers relating thereto, before either branch of the General Assembly, and perform such other duties as may be enjoined upon him by law.

Recommended

Repeal.

Historical Note

A "secretary" was first provided for in the Constitution of 1790. The "Secretary of the Commonwealth" was named in the Constitution of 1838. The duties of the office in both were stated in language almost identical to that in the current provision.

Comments

The provisions of this section are statutory in nature and should not be included in the Constitution. Further, all are included in the Administrative Code.

Since it is recommended elsewhere that this officer be removed as a constitutional officer," the retention of this section would be inconsistent.

ARTICLE IV—THE EXECUTIVE

Section 19—Duties of Secretary of Internal Affairs

Current

The Secretary of Internal Affairs shall exercise all the powers and perform all the duties of the Surveyor General subject to such changes as shall be made by law. His department shall embrace a bureau of industrial statistics, and he shall discharge such duties relating to corporations, to the charitable institutions, the agricultural, manufacturing, mining, mineral, timber and other material or business interests of the State as may be prescribed by law. He shall annually, and at such other times as may be required by law, make report to the General Assembly.

Recommended

Repeal.

Historical Note

The office of Secretary of Internal Affairs was first created by the Constitution of 1874. The office replaced that of the Surveyor General, which had not been a constitutional office. The Schedule to the Constitution of 1874 abolished the Surveyor General upon the election and qualification of the first Secretary of Internal Affairs.

Comment: See comments under Article IV, Section 18, at the top of this page.

ARTICLE IV—THE EXECUTIVE

Section 20—Duties of Superintendent of Public Instruction

Current

The Superintendent of Public Instruction shall exercise all the powers and perform all the duties of the Superintendent of Common Schools, subject to such changes as shall be made by law.

Recommended

Repeal.

Historical Note

The office of Superintendent of Public Instruction was created by the Constitution of 1874. It replaced the Superintendent of Common Schools, a statutory office existing at the time. The latter was abolished by the Schedule to the Constitution of 1874.

Comment

See comments under Article IV, Section 18, pages 69-70.

ARTICLE IV—THE EXECUTIVE

Section 21—Terms of Office of Auditor General and State Treasurer

Current

The terms of the Secretary of Internal Affairs, the Auditor General, and the State Treasurer shall each be four years; and they shall be chosen by the qualified electors of the State at general elections; but a State Treasurer, elected in the year one thousand nine hundred and nine, shall serve for three years, and his successor shall be elected at the general election in the year one thousand nine hundred and twelve, and in every fourth year thereafter. No person elected to the office of Auditor General or State Treasurer shall be capable of holding the same office for two consecutive terms.

Recommended

The terms of the Auditor General and the State Treasurer shall each be four years from the third Tuesday of January next following his election. They shall be chosen by the qualified electors of this Commonwealth at general elections. Except for the Auditor General and State Treasurer who may be in office when this amendment is adopted, they shall be eligible to succeed themselves for additional term.

Historical Note

In the Constitution of 1776, only the State Treasurer is mentioned. The Plan or Frame of Government authorized the General Assembly to choose "the treasurer of the state." The Constitution of 1790 provided for the election of the State Treasurer, annually, by the joint vote of the members of both Houses.

The Constitution of 1838 retained the provision of 1790. By amendment in 1872, however, it was directed that he be "chosen by the qualified electors of the State, at such times and for such terms of service as shall be prescribed by law."

The office of Auditor General was first created by statute in 1809. The act provided for appointment by the Governor and gave to the Auditor General the duties of the register-general, whose office was then abolished. The Auditor General was made elective in 1850 and was made a "constitutional officer" in the Constitution of 1874.

The original provision of 1874 gave the Auditor General

a term of three years and the State Treasurer two years. By amendment in 1909, the terms of both were made four years and their election was directed in even-numbered years other than the years for electing a Governor. Succession in office was prohibited for both.

For historical comments on the Secretary of Internal Affairs, see Article IV, Section 19, page 70.

Comments

The section is changed to permit the Auditor General and the State Treasurer to serve two consecutive terms and to have them take office in January of an odd year other than the year in which a Governor takes office. The two-term succession is consistent with the recommendation made to permit the Governor to succeed himself.

Reference to the Secretary of Internal Affairs is removed, in keeping with the changes in Article IV, Section 1, page 67.

ARTICLE VI—IMPEACHMENT AND REMOVAL FROM OFFICE

Section 4—Removal of Public Officers

Current

All officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed on conviction of misbehavior in office or of any infamous crime. Appointed officers, other than judges of the courts of record, and the Superintendent of Public Instruction, may be removed at the pleasure of the power by which they shall have been appointed. All officers elected by the people except Governor, Lieutenant-Governor, members of the General Assembly and judges of the courts of record learned in the law, shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate.

Recommended

All officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed on conviction of misbehavior in office or of any infamous crime. Appointed officers, other than judges of the courts of record, may be removed at the pleasure of the power by which they shall have been appointed. All officers elected by the people, except Governor, Lieutenant-Governor, members of the General Assembly and judges of the courts of record learned in the law, shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the members elected to the Senate.

Historical Note

The Constitution of 1838 provided that officers with designated terms continue in office only as long as they behaved themselves well, and that they be removed upon conviction of misbehavior in office or infamous crime. The balance of the section was added in the Constitution of 1874.

Comments

The change suggested by the Commission is to remove the reference to the Superintendent of Public Instruction, as a part of the plan to remove the office from the list of

constitutional offices. For further comment, see Article 4, Section 1, page 67.

There is also a change in the language at the end of the section, changing "two-thirds of the Senate" to "two-thirds of the members elected to the Senate" in order to conform with the language used in other parts of the Constitution.

ARTICLE IX—TAXATION AND FINANCE

Section 13—Reserve Funds

Current

The moneys held as necessary reserve shall be limited by law to the amount required for current expenses, and shall be secured and kept as may be provided by law. Monthly statements shall be published showing the amount of such moneys, where the same are deposited, and how secured.

Recommended

Repeal.

Historical Note

This provision was used for the first time in the Constitution of 1874. It appears now in its original form, no change having been made since its adoption.

Comments

This section was another of the group of restrictive additions made by the Convention of 1873. The provisions are not practical, with the magnitude of today's state government. The subject matter of the section is purely statutory in nature, too, and for that further reason should be repealed.

ARTICLE XIV—COUNTY GOVERNMENT

Section 8—Abolition of County Offices in Philadelphia

Current

(1) In Philadelphia all county offices are hereby abolished, and the city shall henceforth perform all functions of county government within its area through officers selected in such manner as may be provided by law.

(2) Local and special laws, regulating the affairs of the city of Philadelphia and creating offices or prescribing the powers and duties of officers of the city of Philadelphia, shall be valid notwithstanding the provisions of section seven of article three of this Constitution.

(3) All laws applicable to the county of Philadelphia shall apply to the city of Philadelphia.

(4) The city of Philadelphia shall have, assume and take over all powers, property, obligations and indebtedness of the county of Philadelphia.

(5) The provisions of article fifteen, section one of the Constitution shall apply with full force and effect to the functions of the county government hereafter to be performed by the city government.

(6) This amendment shall become effective immediately upon its adoption.

(7) Upon adoption of this amendment all county officers shall become officers of the city of Philadelphia, and, until the General Assembly shall otherwise provide, shall continue to perform their duties and be elected, appointed,

compensated and organized in such manner as may be provided by the provisions of this Constitution and the laws of the Commonwealth in effect at the time this amendment becomes effective, but such officers serving when this amendment becomes effective shall be permitted to complete their terms.

Recommended

(a) In Philadelphia all county offices are abolished. The city shall perform all functions of county government within its area.

(b) Local and special laws with respect to powers granted to the City of Philadelphia shall be valid notwithstanding the provisions of article three, section seven of this Constitution.

(c) All laws applicable to the County of Philadelphia shall apply to the City of Philadelphia.

(d) The City of Philadelphia shall have, assume and take over all powers, property, obligations and indebtedness of the County of Philadelphia.

(e) The provisions of article fifteen of this Constitution shall apply with full force and effect to the functions of the county government performed by the city.

(f) All officers performing functions of county government shall be officers of the City of Philadelphia. Until otherwise provided by the City of Philadelphia through amendment to the Philadelphia Home Rule Charter, they shall continue to perform their duties and be elected, appointed, compensated and organized in the manner now in effect.

Historical Note

This section was added to the Constitution of 1874 by amendment in 1951. It appears now in its original form, no change having been made since its adoption.

Comments

This section was added to permit the consolidation of the county and city of Philadelphia and provided that all county offices be abolished.

While consolidation was effected, several county offices still exist. Under the present provision, it is necessary for the General Assembly to enact legislation to complete the consolidation. The Commission proposal gives the power and the responsibility for the completion of the consolidation to the City of Philadelphia and provides that it be done by amendment to its Home Rule Charter.

ARTICLE XVI—PRIVATE CORPORATIONS

Section 10—Revocation and Alteration of Corporate Charters; New Charters

Current

The General Assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this Constitution, or any that may hereafter be created, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no justice shall be done to the corporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.

Recommended

All charters of private corporations now existing and revocable at the adoption of this amendment may be altered, revoked or annulled, if in the opinion of the General Assembly they may be injurious to the citizens of this Commonwealth, in such manner that no injustice shall be done to the corporators. All laws heretofore or hereafter adopted by the General Assembly dealing with the formation and regulation of private corporations and prescribing the powers, rights, duties and liabilities of private corporations, their officers, directors and shareholders, may be amended, repealed or revoked.

Historical Note

By the amendment of 1857, Section 26 was added to Article I of the Constitution of 1838. This section gave to the Legislature the power to alter, revoke or annul any charter of incorporation "hereafter conferred by or under any special or general law whenever in their opinion it may be injurious to the citizens of the commonwealth, in such manner, however, that no injustice shall be done to the incorporators."

Comments

Neither the provision in the Constitution of 1838, nor the provision in the current Constitution, grants to the Legislature the right to alter, revoke or annul charters granted prior to the amendment of 1857 in the absence of a right to alter, revoke or annul specifically reserved in the charter. The recommended section preserves this protection for these old charters. The preservation of this right has been required under the decision of the Supreme Court of the United States in the Dartmouth College case, 17 U.S. 518 (1819).

The recommended section preserves the power of the General Assembly to alter, revoke or annul existing and revocable charters of private corporations if in its opinion they are injurious to the citizens of this Commonwealth, but subject to the limitation that no injustice be done to the corporators. The proposed amendment goes further than this, however, in providing that laws with regard to the formation and regulation of corporations may be amended, repealed or revoked without the requirement that they be injurious to the citizens of this Commonwealth.

This proposed new language would enable the Legislature, if it so desired, to make changes in the rules with regard to shareholders. The current section of the Constitution has been interpreted by the Supreme Court of Pennsylvania, either in express decisions or by way of dictum, that the rights of shareholders cannot be constitutionally changed without their unanimous consent either by the Legislature or pursuant to a majority, or other specified votes, of their fellow shareholders. Such decisions have the tendency to freeze the rights of shareholders and to make impossible any change in them if a mere 1% should disagree with such change, despite the fact that an overwhelming majority would be in favor of a change. Such a situation may well have the result of discouraging persons from forming Pennsylvania corporations. This provision increases the power of the Legislature over corporations and enables it, should it so desire, to empower the holders of a majority, or other specific percentage, of outstanding corporate securities to alter

corporate charters without being forced to buy off a minority security holder.

While granting this latitude to the Legislature, it must nevertheless be pointed out that the reserve power to modify corporate charters, or to change laws with regard thereto, is always subject to the constitutional requirements of due process, equal protection of the law, the prohibition of impairment of contractual obligations and the protection of vested rights. The exercise of this power, therefore, must be reasonable and in good faith.

The second sentence of this section conflicts with Article 3, Section 7, Clause (25), prohibiting local and special legislation amending corporate charters. In order to resolve this conflict, an exception to the general rule being recommended. For comment thereon see page 63.

ARTICLE XVII—RAILROADS AND CANALS

Section 11—Duties of Secretary of Internal Affairs

Current

The existing powers and duties of the Auditor General in regard to railroads, canals and other transportation companies, except as to their accounts, are hereby transferred to the Secretary of Internal Affairs, who shall have a general supervision over them, subject to such regulations and alterations as shall be provided by law; and, in addition to the annual reports now required to be made, said Secretary may require special reports at any time upon any subject relating to the business of said companies from any officer or officers thereof.

Recommended

Repeal.

Historical Note

This section was first adopted in the Constitution of 1874. It appears now in its original form, no change having been made since its adoption.

Comments

It is recommended that this section be repealed, along with the entire article, because the subject matter is no longer of a constitutional nature. While the rest of Article XVII was put into Class 3, this one section must be in Class 2 to permit its coordination with another change which removes the Secretary of Internal Affairs as a "constitutional officer."

ARTICLE XVIII—AMENDMENT AND REVISION

Section 2 (New)—Amendment by Initiative

Current

None.

Recommended

Amendments to this Constitution may be proposed by petition, signed by a number of qualified electors equal to five per cent of the total number of votes cast for Governor at the last preceding gubernatorial election, and filed with the official charged with the duty of administering statewide elections. Each petition shall set forth the full text of the amendment proposed, and shall be verified by the affidavit of the persons soliciting the signatures. The official shall transmit the petition to the General Assembly, when in session, or as soon as it convenes. If an

amendment proposed by petition is agreed to by a majority of the members elected to each House, it shall be advertised and submitted to the qualified electors of the Commonwealth as provided in section one of this article as though it had been agreed to by two succeeding regular sessions of the General Assembly. If (1) the proposed amendment is rejected, or (2) it is agreed to in an amended form, or (3) no action is taken thereon within four months from the time it is received by the General Assembly, if the General Assembly is in session so long, and, if not, then within four months after the convening of the next regular session of the General Assembly; and if so demanded by supplementary petition signed by a number of qualified electors equal to ten per cent of the total number of votes cast for Governor at the last preceding gubernatorial election, the proposed amendment shall be submitted to the qualified electors in a manner and at a time prescribed by the General Assembly. The supplementary petition shall be filed with the official charged with the duty of administering statewide elections within six months (1) after the proposed amendment was rejected by the General Assembly, or (2) after the expiration of the four months herein provided for action on the petition by the General Assembly, if no action has been taken thereon, or (3) after the proposed amendment, as amended by the General Assembly, has been filed with the proper official. The proposed amendment shall be advertised and submitted to the qualified electors of the Commonwealth as provided in section one of this article in the form prescribed by the supplementary petition, which shall be either as first petitioned for or with any amendments incorporated therein by either House or by both Houses of the General Assembly. If the proposed amendment is approved by a majority of the qualified electors voting thereon, it shall become a part of this Constitution. All petitions shall be in the form provided by law for nomination petitions, unless otherwise provided by law.

Historical Note

This is a new provision not found in the present Constitution nor in any prior Constitution.

Comments

This section provides an alternate method of amending the Constitution, and may be referred to as amendment by indirect initiative. It is designed to give the electors an opportunity to amend the Constitution when the Legislature fails to act.

A petition by a percentage of the qualified electors of the state would be presented to the General Assembly. If approved by both houses, it would be advertised and submitted to the voters without having to pass another session of the General Assembly.

If the petition is rejected or ignored by the General Assembly, or is amended by it, an additional petition signed by a larger number of qualified electors may be filed with the Secretary of the Commonwealth. The proposed amendment would then be advertised and submitted to the voters without action by the General Assembly.

ARTICLE XVIII—AMENDMENT AND REVISION

Section 3 (New)—Periodic Review

Current

None.

Recommended

In the year nineteen hundred seventy-three and every fifteenth year thereafter, the provisions of this Constitution shall be studied and reviewed in the light of contemporary conditions and the anticipated problems and needs of the people of this Commonwealth. The General Assembly shall provide for a commission to perform the work.

Historical Note

This is a new provision not found in the present Constitution nor in any prior Constitution.

Comments

This section is designed to keep the Constitution abreast of the changing times. It provides for a commission to study and review the Constitution every fifteenth year, beginning with the year 1973, which coincidentally is the one hundredth anniversary of the constitutional convention that framed the present constitution.

THE CONSTITUTION OF 1874

With Recommendations for Change

All recommendations for change have been classified into three categories, indicating the importance given to each by the Commission.

Class 1 Changes—Bold type

Class 1 changes are those recommendations for amendment which the Commission deems to be of first importance, critically needed for the efficient conduct of the state government, and which the Commission strongly urges the General Assembly to approve.

Class 2 Changes—Italics

Class 2 changes are those recommendations for amendment which the Commission deems to be very desirable, but which are not vital for the efficient conduct of the state government.

Class 3 Changes—Times Roman

Class 3 changes are those changes which would improve the language and form of the Constitution, but which are deemed to be of sufficient importance to be recommended for adoption other than as part of a general revision of the Constitution.

In editing the copy for the current sections of the Constitution of 1874, reference was made to the Constitution of 1874 as set forth in the Journal of the Convention of 1873, Part 2, pages 1303-1337; to Purdon's Pennsylvania Statutes Annotated; and to the pertinent pamphlet laws. In the instance of discrepancies in wording, that of the original text was given preference. In the case of matter added by amendment, the proper joint resolution in the pamphlet laws was consulted. Some changes in punctuation were made for purposes of uniformity, though care was taken not to change the sense of any provision.

Section titles are unofficial and are intended only to convey briefly the subject matter of the section.

CONSTITUTION

OF THE COMMONWEALTH OF PENNSYLVANIA

(Constitution of 1874)

PREAMBLE

We, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution.

ARTICLE I

DECLARATION OF RIGHTS

That the general, great and essential principles of liberty and free government may be recognized and unalterably established, WE DECLARE THAT:

Section 1—Inherent Rights of Mankind

Current

All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Recommended

No Change.

Section 2—Political Powers

Current

All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper.

Recommended

No Change.

Section 3—Religious Freedom

Current

All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience and no preference shall ever be given by law to any religious establishments or modes of worship.

Recommended

No Change.

Section 4—Religion

Current

No person who acknowledges the being of a God and a future state of rewards and punishments shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this Commonwealth.

Recommended

No Change.

Section 5—Elections

Current

Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Recommended

No Change.

Section 6—Trial by Jury

Current

Trial by jury shall be as heretofore, and the right thereof remain inviolate.

Recommended

Trial by jury in criminal cases shall be as heretofore, and the right thereof remain inviolate.

Section 7—Freedom of Press and Speech

Current

The printing press shall be free to every person who may undertake to examine the proceedings of the legislature or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury; and in all indictments for libels the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Recommended

No Change.

Section 8—Security from Searches and Seizures

Current

The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizure, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

Recommended

No Change.

Section 9—Rights of Accused in Criminal Prosecutions

Current

In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land.

Recommended

No Change.

Section 10—Twice in Jeopardy; Eminent Domain

Current

No person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court for oppression or misdemeanor in office. No person shall, for the same offense, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured.

Recommended

No person shall, for the same offense, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured.

Section 11—Courts to be Open; Suits Against the Commonwealth

Current

All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct.

Recommended

No Change.

Section 12—Power of Suspending Laws

Current

No power of suspending laws shall be exercised unless by the Legislature or by its authority.

Recommended

No Change.

Section 13—Bail—Fines and Punishment

Current

Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Recommended

No Change.

Section 14—Prisoners to be Bailable; Habeas Corpus

Current

All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

Recommended

No Change.

Section 15—Special Criminal Tribunals Current No commission of Oyer and Terminer or Jail Delivery shall be issued. Recommended No commission shall issue creating special temporary criminal tribunals to try particular individuals or particular classes of cases. Section 16—Insolvent Debtors Current The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law. Recommended No Change. Section 17—Ex Post Facto Laws—Impairment of Contracts Current No ex post facto law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed. Recommended No Change. Section 18—Attainder Current No person shall be attainted of treason or felony by the Legislature. Recommended No Change. Section 19—Attainder Limited, Estates of Suicides Current No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth. The estate of such persons as shall destroy their own lives shall descend or vest as in cases of natural death, and if any person shall be killed by casualty there shall be no forfeiture by reason thereof. Recommended No attainder shall work corruption of blood, nor except during the life of the offender, forfeiture of estate to the Commonwealth. Section 20—Right to Petition Current The citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances, or other proper purposes, by petition, address or remonstrance.	Recommended No Change. Section 21—Right to Bear Arms Current The right of the citizens to bear arms in defense of themselves and the State shall not be questioned. Recommended No Change. Section 22—Standing Army; Military Subordinate to Civil Power Current No standing army shall, in time of peace, be kept up without the consent of the legislature, and the military shall in all cases and at all times be in strict subordination to the civil power. Recommended No Change. Section 23—Quartering of Troops Current No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law. Recommended No Change. Section 24—Titles and Offices Current The legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behavior. Recommended No Change. Section 25—Emigration Current Emigration from the State shall not be prohibited. Recommended Repeal. Section 26—Reservation of Powers in People Current To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is expected out of the general powers of government and shall forever remain inviolate. Recommended No Change.
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ARTICLE II—THE LEGISLATURE

Section 1—Legislative Power

Current

The legislative power of this Commonwealth shall be vested in a General Assembly which shall consist of a Senate and House of Representatives.

Recommended

No Change.

Section 2—Election of Members; Vacancies

Current

Members of the General Assembly shall be chosen at the general election every second year. Their term of service shall begin on the first day of December next after their election. Whenever a vacancy shall occur in either House, the presiding officer thereof shall issue a writ of election to fill such vacancy for the remainder of the term.

Recommended

No Change.

Section 3—Terms of Members

Current

Senators shall be elected for the term of four years and Representatives for the term of two years.

Recommended

No Change.

Section 4—Sessions

Current

The General Assembly shall meet at twelve o'clock noon, on the first Tuesday of January every second year, and at other times when convened by the Governor, but shall hold no adjourned annual session after the year one thousand eight hundred and seventy-eight. In case of a vacancy in the office of United States Senator from this Commonwealth, in a recess between sessions, the Governor shall convene the two Houses, by proclamation on notice not exceeding sixty days, to fill the same.

Recommended

The General Assembly shall be a continuing body during the term for which its Representatives are elected. It shall meet at twelve o'clock noon on the first Tuesday of January each year. Special sessions shall be called by the Governor on petition of a majority of the members elected to each House, and may be called by the Governor whenever, in his opinion, the public interest requires.

Section 5—Qualifications of Members

Current

Senators shall be at least twenty-five years of age and Representatives twenty-one years of age. They shall have been citizens and inhabitants of the State four years, and inhabitants of their respective districts one year next before their election (unless absent on the public business

of the United States or of this State), and shall reside in their respective districts during their terms of service.

Recommended

No Change.

Section 6—Disqualification to Hold Other Office

Current

No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office under this Commonwealth, and no member of Congress or other person holding any office (except of attorney-at-law or in the militia) under the United States or this Commonwealth shall be a member of either House during his continuance in office.

Recommended

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office or employment under this Commonwealth to which a salary, fee or perquisite is attached. No member of Congress or other person holding any office (except of attorney-at-law or in the militia) under the United States or this Commonwealth or any political subdivision thereof, to which a salary, fee or perquisite is attached, shall be a member of either House during his continuance in office.

Section 7—Certain Crimes to Disqualify

Current

No person hereafter convicted of embezzlement of public moneys, bribery, perjury or other infamous crimes, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this Commonwealth.

Recommended

Repeal.

Section 8—Compensation

Current

The members of the General Assembly shall receive such salary and mileage for regular and special sessions as shall be fixed by law, and no other compensation whatever, whether for service upon committee or otherwise. No member of either House shall, during the term for which he may have been elected, receive any increase of salary, or mileage, under any law passed during such term.

Recommended

No change.

Section 9—Presiding and Other Officers; Election and Qualifications of Members

Current

The Senate shall, at the beginning and close of each regular session and at such other times as may be necessary, elect one of its members President pro tempore, who shall perform the duties of the Lieutenant-Governor, in any case of absence or disability of that Officer, and whenever the said office of Lieutenant-Governor shall be vacant. The House of Representatives shall elect one of

its members as Speaker. Each House shall choose its other Officers, and shall judge of the election and qualifications of its members.

Recommended

No change.

Section 10—Quorum

Current

A majority of each House shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members.

Recommended

No change.

Section 11—Powers of Each House; Expulsion

Current

Each House shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence, or offers of bribes or private solicitation, and with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the legislature of a free State. A member expelled for corruption shall not thereafter be eligible to either House, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

Recommended

No change.

Section 12—Journals; Yeas and Nays

Current

Each House shall keep a journal of its proceedings and from time to time publish the same, except such parts as require secrecy, and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

Recommended

No change.

Section 13—Sessions Shall Be Open

Current

The sessions of each House and of Committees of the Whole shall be open, unless when the business is such as ought to be kept secret.

Recommended

No change.

Section 14—Adjournment

Current

Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Recommended

No change.

Section 15—Privileges of Members

Current

The members of the General Assembly shall in all cases, except treason, felony, violation of their oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

Recommended

No change.

Section 16—Senatorial Districts; Ratio

Current

The State shall be divided into fifty senatorial districts of compact and contiguous territory as nearly equal in population as may be, and each district shall be entitled to elect one Senator. Each county containing one or more ratios of population shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators, when such county may be assigned a Senator on less than four-fifths and exceeding one-half of a ratio; and no county shall be divided unless entitled to two or more Senators. No city or county shall be entitled to separate representation exceeding one-sixth of the whole number of Senators. No ward, borough or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of the State by the number of fifty.

Recommended

The State shall be divided into fifty senatorial districts of compact and contiguous territory as nearly equal in population as may be, and each district shall be entitled to elect one Senator. Each county containing one or more ratios of population shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators, when such county may be assigned a Senator on less than four-fifths and exceeding one-half of a ratio, and no county shall be divided unless entitled to two or more Senators. No ward, borough or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of the State by the number fifty.

Section 17—Representative Districts

Current

The members of the House of Representatives shall be apportioned among the several counties, on a ratio ob-

tained by dividing the population of the State as ascertained by the most recent United States census by two hundred. Every county containing less than five ratios shall have one representative for every full ratio, and an additional representative when the surplus exceeds half a ratio; but each county shall have at least one representative. Every county containing five ratios or more shall have one representative for every full ratio. Every city containing a population equal to a ratio shall elect separately its proportion of the representatives allotted to the county in which it is located. Every city entitled to more than four representatives, and every county having over one hundred thousand inhabitants, shall be divided into districts of compact and contiguous territory, each district to elect its proportion of representatives according to its population, but no district shall elect more than four representatives.

Recommended

No change.

Section 18—Legislative Apportionment

Current

The General Assembly at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the State into senatorial and representative districts agreeably to the provisions of the two next preceding sections.

Recommended

Before the close of each regular session of the General Assembly at which the officially certified figures of a United States decennial census first are available, the General Assembly shall apportion the Commonwealth into senatorial and representative districts. If the General Assembly fails to do so, the Governor shall, immediately after final adjournment, call the General Assembly into special session for the sole purpose of making the apportionments. At the special session there shall be no legislation on any other subject. The General Assembly shall not adjourn sine die until it has completed the apportionment into both senatorial and representative districts.

ARTICLE III—LEGISLATION

Section 1—Passage of Bills

Current

No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose.

Recommended

No Change.

Section 2—Reference to Committee; Printing

Current

No bill shall be considered unless referred to a committee, returned therefrom, and printed for the use of the members.

Recommended

No bill shall be considered unless referred to a com-

mittee, printed for the use of the members, and returned therefrom.

Section 3—Form of Bills

Current

No bill, except general appropriation bills, shall be passed containing more than one subject, which shall be clearly expressed in its title.

Recommended

No bill, except general appropriation bills and bills codifying existing law, shall be passed containing more than one subject, which shall be clearly expressed in its title.

Section 4—Consideration of Bills

Current

Every bill shall be read at length on three different days in each House; all amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill, and no bill shall become a law, unless on its final passage the vote be taken by yeas and nays, the names of the persons voting for and against the same be entered on the journal, and a majority of the members elected to each House be recorded thereon as voting in its favor.

Recommended

Every bill shall be considered on three different days in each House. All amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill. No bill shall become a law, unless on its final passage, the vote is taken by yeas and nays, the names of the persons voting for and against it are entered on the journal, and a majority of the members elected to each House is recorded thereon as voting in its favor.

Section 5—Concurring in Amendments; Conference Committee Reports

Current

No amendment to bills by one House shall be concurred in by the other except by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of conference shall be adopted in either House only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journals.

Recommended

No Change.

Section 6—Revival and Amendment of Laws

Current

No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only, but so much thereof as is revived, amended, extended or conferred shall be re-enacted and published at length.

Recommended

No Change.

Section 7—Special and Local Legislation

Current

The General Assembly shall not pass any local or special law: authorizing the creation, extension or impairing of liens:

Regulating the affairs of counties, cities, townships, wards, boroughs, or school districts:

Changing the names of persons or places:

Changing the venue in civil or criminal cases:

Authorizing the laying out, opening, altering or maintaining roads, highways, streets or alleys:

Relating to ferries or bridges or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this any other State:

Vacating roads, town plats, streets or alleys:

Relating to cemeteries, graveyards or public grounds not of the State:

Authorizing the adoption or legitimation of children:

Locating or changing county seats, erecting new counties or changing county lines:

Incorporating cities, towns or villages, or changing their charters:

For the opening and conducting of elections, or fixing or changing the place of voting:

Granting divorces:

Erecting new townships or boroughs, changing township lines, borough limits or school districts:

Creating offices, or prescribing the powers and duties of officers in counties, cities, boroughs, townships, election or school districts:

Changing the law of descent or succession:

Regulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceeding or inquiry before courts, aldermen, justices of the peace, sheriffs, commissioners, arbitrators, auditors, masters in chancery or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate:

Regulating the fees or extending the powers and duties of aldermen, justices of the peace, magistrates or constables:

Regulating the management of public schools, the building or repairing of school houses and the raising of money for such purposes:

Fixing the rate of interest:

Affecting the estates of minors or persons under disability, except after due notice to all parties in interest, to be recited in the special enactment:

Remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury:

Exempting property from taxation:

Regulating labor, trade, mining or manufacturing:

Creating corporations, or amending, renewing or extending the charters thereof:

Granting to any corporation, association or individual any special or exclusive privilege or immunity, or to any corporation, association or individual the right to lay down a railroad track:

Nor shall the General Assembly indirectly enact such special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed:

Nor shall any law be passed granting powers or privileges in any case where the granting of such powers and privileges shall have been provided for by general law, nor where the courts have jurisdiction to grant the same or give the relief asked for.

Recommended

The General Assembly shall not pass any local or special law:

1. Authorizing the creation, extension or impairing of liens;

2. Regulating the affairs of counties, cities, townships, wards, boroughs or school districts;

3. Changing the names of persons or places;

4. Changing the venue in civil or criminal cases;

5. Authorizing the laying out, opening, altering or maintaining, roads, highways, streets or alleys;

6. Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State;

7. Vacating roads, town plats, streets or alleys;

8. Relating to cemeteries, graveyards or public grounds not of the State;

9. Authorizing the adoption or legitimation of children;

10. Locating or changing county seats, erecting new counties or changing county lines;

11. Incorporating cities, towns or villages, or changing their charters;

12. For the opening and conducting of elections or fixing or changing the place of voting;

13. Granting divorces;

14. Erecting new townships or boroughs, changing township lines, borough limits or school districts;

15. Creating offices, or prescribing the powers and duties of officers in counties, cities, boroughs, townships, election or school districts;

16. Changing the law of descent or succession;

17. Regulating the practice or jurisdiction of, or changing the rules of evidence in, any judicial proceeding or inquiry before courts, aldermen, justices of the peace, sheriffs, commissioners, arbitrators, auditors, masters in chancery or other tribunals, or providing or changing methods for the collection of debts, or the enforcing of judgments, or prescribing the effect of judicial sales of real estate:

18. Regulating the fees or extending the powers and duties of aldermen, justices of the peace, magistrates or constables;

19. Regulating the management of public schools, the building or repairing of school houses and the raising of money for such purposes;

20. Fixing the rate of interest;

21. Affecting the estates of minors or persons under disability;

22. Remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury;

23. Exempting property from taxation;

24. Regulating labor, trade, mining or manufacturing.

25. Creating corporations or amending, renewing or ex-

tending the charters thereof, except as provided in article sixteen;

26. Granting to any corporation, association or individual any special or exclusive privilege or immunity, or to any corporation, association or individual the right to lay down a railroad track;

27. Nor shall the General Assembly indirectly enact such special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed;

28. The General Assembly shall pass no local or special law in any other case which has been or can be provided for by general law.

NOTE: In addition to the change recommended in Item 25, change is also suggested, though not recommended, in Items 21 and 28.

Section 8—Notice of Local and Special Bills

Current

No local or special bill shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or the thing to be effected may be situated, which notice shall be at least thirty days prior to the introduction into the General Assembly of such bill and in the manner to be provided by law; the evidence of such notice having been published, shall be exhibited in the General Assembly, before such act shall be passed.

Recommended

No Change.

Section 9—Signing of Bills

Current

The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the General Assembly, after their titles have been publicly read immediately before signing; and the fact of signing shall be entered on the journal.

Recommended

No Change.

Section 10—Officers of the General Assembly

Current

The General Assembly shall prescribe by law the number, duties and compensation of the officers and employes of each House, and no payment shall be made from the State treasury, or be in any way authorized, to any person, except to an acting officer or employe elected or appointed in pursuance of law.

Recommended

No Change.

Section 11—Extra Compensation Prohibited; Claims Against the State

Current

No bill shall be passed giving any extra compensation

to any public officer, servant, employe, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim against the Commonwealth without previous authority of law: Provided, however, that nothing in this Constitution shall be construed to prohibit the General Assembly from authorizing the increase of retirement allowances or pensions of members of a retirement or pension system now in effect or hereafter legally constituted by the Commonwealth, its political subdivisions, agencies or instrumentalities, after the termination of the services of said member.

Recommended

No Change.

Section 12—Purchasing

Current

All stationery, printing, paper and fuel used in the legislative and other departments of government shall be furnished, and the printing, binding and distributing of the laws, journals, department reports, and all other printing and binding, and the repairing and furnishing the halls and rooms used for the meetings of the General Assembly and its committees, shall be performed under contract to be given to the lowest responsible bidder below such maximum price and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contracts, and all such contracts shall be subject to the approval of the Governor, Auditor General and State Treasurer.

Recommended

All purchases made by the government of this Commonwealth shall so far as practicable be made under a system of competitive bidding. No member or officer of any department of the government shall be in any way interested in Commonwealth purchase contracts and all such contracts shall be subject to the approval of the Auditor General.

Section 13—Extension of Terms and Increase or Diminishment of Compensation Prohibited

Current

No law shall extend the term of any public officer, or increase, or diminish his salary or emoluments, after his election or appointment.

Recommended

No Change.

Section 14—Revenue Bills

Current

All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills.

Recommended

No change.

Section 15—Appropriation Bills

Current

The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative and judicial departments of the Commonwealth, interest on the public debt and for public schools; all other appropriations shall be made by separate bills, each embracing but one subject.

Recommended

The general appropriation bill shall embrace nothing but appropriations for the executive, legislative and judicial departments of the Commonwealth, for public debt and for public schools; all other appropriations shall be made by separate bills, each embracing but one subject.

Section 16—Public Moneys; Cash Refunds

Current

No money shall be paid out of the treasury, except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof.

Recommended

No money shall be paid out of the treasury except on appropriations made by law, and on warrant issued by the proper officer; but cash refunds of taxes, licenses, fees and other charges paid or collected but not legally due may be paid as provided by law, without appropriation, from the fund into which they were paid, on warrant of the proper officer.

Section 17—Appropriations to Charitable and Educational Institutions

Current

No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House.

Recommended

Repeal.

Section 18—Appropriations; How Limited

Current

No appropriation shall be made for charitable, educational or benevolent purposes to any person or community nor to any denominational or sectarian institution, corporation or association: Provided, That appropriations may be made for pensions or gratuities for military services, and to blind persons twenty-one years of age and upwards, and for assistance to mothers having dependent children, and to aged persons without adequate means of support.

Recommended

No change.

Section 19—Appropriations to Institutions for Soldiers' Widows and Orphans

Current

The General Assembly may make appropriations of money to institutions wherein the widows of soldiers are supported or assisted, or the orphans of soldiers are maintained and educated; but such appropriations shall be applied exclusively to the support of such widows and orphans.

Recommended

No change.

Section 20—Delegation of Powers

Current

The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

Recommended

Repeal.

Section 21—Employer's Liability; Workmen's Compensation; Damages for Injury to Person or Property

Current

The General Assembly may enact laws requiring the payment by employers, or employers and employes jointly, of reasonable compensation for injuries to employes, arising in the course of their employment, and for occupational diseases of employes, whether or not such injuries or diseases result in death, and regardless of fault of employer or employe, and fixing the basis of ascertainment of such compensation and the maximum and minimum limits thereof, and providing special or general remedies for the collection thereof; but in no other cases shall the General Assembly limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property, and in case of death from such injuries, the right of action shall survive, and the General Assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property or for other causes, different from those fixed by general laws regulating actions against natural persons and such acts now existing are avoided.

Recommended

No change.

Section 22—Investment of Trust Funds

Current

The General Assembly may, from time to time, by law prescribe the nature and kind of investments for trust funds to be made by executors, administrators, trustees, guardians and other fiduciaries.

Recommended

Repeal.

Section 23—Change of Venue

Current

The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

Recommended

No change.

Section 24—Corporate Obligations Owned by the Commonwealth

Current

No obligation or liability of any railroad or other corporation, held or owned by the Commonwealth, shall ever be exchanged, transferred, remitted, postponed or in any way diminished by the General Assembly, nor shall such liability or obligation be released, except by payment thereof into the State treasury.

Recommended

Repeal.

Section 25—Legislation During Special Sessions

Current

When the General Assembly shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

Recommended

Repeal.

Section 26—Action on Concurrent Orders and Resolutions

Current

Every order, resolution or vote to which the concurrence of both Houses may be necessary, except on the question of adjournment, shall be presented to the Governor and before it shall take effect be approved by him, or being disapproved, shall be re-passed by two-thirds of both Houses according to the rules and limitations prescribed in case of a bill.

Recommended

No change.

Section 27—Inspectors of Merchandise

Current

No State office shall be continued or created for the inspection or measuring of any merchandise, manufacture or commodity, but any county or municipality may appoint such officers when authorized by law.

Recommended

Repeal.

Section 28—Changing Location of State Capital

Current

No law changing the location of the Capital of the State shall be valid until the same shall have been submitted to the qualified electors of the Commonwealth at a general election and ratified and approved by them.

Recommended

No law permanently changing the location of the Capital of the State shall be valid until the same shall have been submitted to the qualified electors of the Commonwealth at a general election and ratified and approved by them.

Section 29—Punishment of Members of the General Assembly When Guilty of Bribery

Current

A member of the General Assembly who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, office, appointment, employment, testimonial, reward, thing of value or enjoyment, or of personal advantage, or promise thereof, for his vote or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit or demand any such money or other advantage, matter or thing aforesaid for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter or thing, to another, shall be held guilty of bribery within the meaning of this Constitution, and shall incur the disabilities provided thereby for said offence, and such additional punishment as is or shall be provided by law.

Recommended

Repeal.

Section 30—Bribery of State Officers Defined

Current

Any person who shall, directly or indirectly, offer, give or promise, any money, or thing of value, testimonial, privilege, or personal advantage, to any executive or judicial officer, or member of the General Assembly, to influence him in the performance of any of his public or official duties, shall be guilty of bribery and be punished in such manner as shall be provided by law.

Recommended

Repeal.

Section 31—Corrupt Solicitation of Officials to be Defined by Law; Punishment

Current

The Offence of corrupt solicitation of members of the General Assembly or of public officers of the State or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action shall be defined by law and shall be punished by fine and imprisonment.

Recommended

Repeal.

Section 32—Bribery or Corrupt Solicitation; Testimony
Against Persons Accused of; Disqualification on
Conviction

Current

Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offence of bribery or corrupt solicitation, or practices of solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony, and any person convicted of either of the offences aforesaid shall, as part of the punishment therefor, be disqualified from holding any office or position of honor, trust or profit in this Commonwealth.

Recommended

Repeal.

Section 33—Member Interested Not to Vote

Current

A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon.

Recommended

No Change.

Section 34—Classification of Municipalities

Current

The Legislature shall have power to classify counties, cities, boroughs, school districts, and townships according to population, and all laws passed relating to each class, and all laws passed relating to, and regulating procedure and proceedings in court with reference to, any class, shall be deemed general legislation within the meaning of this Constitution; but counties shall not be divided into more than eight classes, cities into not more than seven classes, school districts into not more than five classes, and boroughs into not more than three classes.

Recommended

No Change.

Section 35—Land Title Registration

Current

Laws may be passed providing for a system of registering, transferring, insuring of and guaranteeing land titles by the State, or by the counties thereof, and for settling and determining adverse or other claims to and interest in lands the titles to which are so registered, transferred, insured and guaranteed; and for the creation and collection of indemnity funds; and for carrying the system and powers hereby provided for into effect by such existing

courts as may be designated by the Legislature, and by the establishment of such new courts as may be deemed necessary. In matters arising in and under the operation of such system, judicial powers, with right of appeal, may be conferred by the Legislature upon county recorders and upon other officers by it designated. Such laws may provide for continuing the registering, transferring, insuring and guaranteeing, such titles after the first or original registration has been perfected by the court, may be made for raising the necessary funds for expenses and salaries of officers which shall be paid out of the treasury of the several counties.

Recommended

No Change.

NOTE: This provision was added by amendment in 1915. No Article or Section number was provided. Since the substance is to give to the General Assembly certain powers, similar to the other sections found in Article III—Legislation, the Commission suggests that this provision be placed in that Article and be assigned the next section number. To effect this transfer, it is necessary that the General Assembly adopt the change by statute. The bill to accomplish this appears in the Appendix.

ARTICLE IV—THE EXECUTIVE

Section 1—Executive Department

Current

The executive department of this Commonwealth shall consist of a Governor, Lieutenant Governor, Secretary of the Commonwealth, Attorney General, Auditor General, State Treasurer, Secretary of Internal Affairs and a Superintendent of Public Instruction.

Recommended

The Executive Department of this Commonwealth shall consist of a Governor, Lieutenant Governor, Attorney General, Auditor General and State Treasurer and such other officers as the General Assembly may from time to time prescribe.

Section 2—Governor; Election; Returns; Contested
Elections

Current

The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed; he shall be chosen on the day of the general election, by the qualified electors of the Commonwealth, at the places where they shall vote for Representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the President of the Senate, who shall open and publish them in the presence of the members of both Houses of the General Assembly. The person having the highest number of votes shall be Governor, but if two or more be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both Houses. Contested elections shall be determined by a Committee, to be selected from both Houses of the General Assembly, and formed and regulated in such manner as shall be directed by law.

Recommended

No Change.

Section 3—Term of Office of Governor

Current

The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election, and shall not be eligible to the office for the next succeeding term.

Recommended

The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election. Except for the Governor who may be in office when this amendment is adopted, he shall be eligible to succeed himself for one additional term.

Section 4—Lieutenant Governor

Current

A Lieutenant Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor; he shall be president of the Senate, but shall have no vote unless they be equally divided.

Recommended

A Lieutenant Governor shall be chosen at the same time, in the same manner, for the same term, and subject to the same provisions as the Governor. He shall be president of the Senate. As such, he may vote in case of a tie on any question except the final passage of a bill or joint resolution, the adoption of a conference report, or the concurrence in amendments made by the House of Representatives.

Section 5—Qualifications of Governor and Lieutenant Governor

Current

No person shall be eligible to the office of Governor or Lieutenant Governor except a citizen of the United States, who shall have attained the age of thirty years, and have been seven years next preceding his election an inhabitant of the State, unless he shall have been absent on the public business of the United States or of this State.

Recommended

No change.

Section 6—Disqualifications for Offices of Governor and Lieutenant Governor

Current

No member of Congress or person holding any office under the United States or this State shall exercise the office of Governor or Lieutenant Governor.

Recommended

No change.

Section 7—Military Power

Current

The Governor shall be commander-in-chief of the army and navy of the Commonwealth, and of the militia, except when they shall be called into the actual service of the United States.

Recommended

The Governor shall be commander-in-chief of the military forces of the Commonwealth, and of the militia, except when they shall be called into the actual service of the United States.

Section 8—Appointing Power

Current

He shall nominate and by and with the advice and consent of two-thirds of all the members of the Senate, appoint a Secretary of the Commonwealth and an Attorney General during pleasure, a Superintendent of Public Instruction for four years, and such other officers of the Commonwealth as he is or may be authorized by the Constitution or by law to appoint; he shall have power to fill all vacancies that may happen in offices to which he may appoint, during recess of the Senate, by granting commissions which shall expire at the end of their next session; he shall have power to fill any vacancy that may happen, during the recess of the Senate, in the office of Auditor General, State Treasurer, Secretary of Internal Affairs or Superintendent of Public Instruction, a judicial office, or in any other elective office which he is or may be authorized to fill; if the vacancy shall happen during the session of the Senate, the Governor shall nominate to the Senate, before their final adjournment, a proper person to fill said vacancy; but in any such case of vacancy, in an elective office, a person shall be chosen to said office on the next election day appropriate to such office according to the provisions of this Constitution, unless the vacancy shall happen within two calendar months immediately preceding such election day, in which case the election for said office shall be held on the second succeeding election day appropriate to such office. In acting on executive nominations the Senate shall sit with open doors, and, in confirming or rejecting the nominations of the Governor, the vote shall be taken by yeas and nays and shall be entered on the journal.

Recommended

(a) That Governor shall, with the consent of a majority of the members elected to the Senate, appoint an Attorney General and other officers authorized by the General Assembly.

(b) He may, during the recess of the Senate, fill vacancies happening in offices to which he appoints by granting commissions expiring at the end of its session. He may, during the recess of the Senate, fill vacancies happening in the office of Auditor General or State Treasurer, in a judicial office or in any other elective office he is authorized to fill. If the vacancy happens during the session of the Senate, he shall nominate to the Senate, before its final adjournment, a proper person to fill the vacancy. In the case of a vacancy in an elective office,

except in a judicial office, a person shall be elected to the office on the next election day appropriate to the office, unless the vacancy happens within two calendar months immediately preceding the election day, in which case the election shall be held on the second succeeding election day appropriate to the office.

(c) In acting on executive nominations, the Senate shall sit with open doors. The vote shall be taken by yeas and nays, and shall be entered on the journal.

Section 9—Pardoning Power; Board of Pardons

Current

He shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentence and pardons, except in cases of impeachment; but no pardon shall be granted, nor sentence commuted, except upon the recommendation in writing of the Lieutenant Governor, Secretary of the Commonwealth, Attorney General and Secretary of Internal Affairs, or any three of them, after full hearing upon due public notice and in open session, and such recommendation with the reasons therefor at length, shall be recorded and filed in the office of the Secretary of the Commonwealth.

Recommended

(a) In all criminal cases except impeachment, the Governor shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentence and pardons; but no pardon shall be granted, nor sentence commuted, except on the recommendation in writing of a majority of the Board of Pardons, after full hearing in open session, upon due public notice. The recommendation, with the reasons therefor at length, shall be recorded and filed with the Board in a docket kept for that purpose.

(b) The Board of Pardons shall consist of the Lieutenant Governor, who shall be Chairman, the Attorney General, the chairman of the agency created by the General Assembly to administer paroles, and two members appointed by the Governor with the consent of a majority of the members elected to the Senate, one for three years and one for six years, and thereafter for full terms of six years. The Board shall keep records of its actions, which shall at all time be open for public inspection.

Section 10—Information From Department Officials

Current

He may require information in writing from the officers of the executive department, upon any subject relating to the duties of their respective offices.

Recommended

No change.

Section 11—Messages to Legislature

Current

He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may judge expedient.

Recommended

No change.

Section 12—Special Sessions of Legislature; Adjournments

Current

He may, on extraordinary occasions, convene the General Assembly, and in case of disagreement between the two Houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months. He shall have power to convene the Senate in extraordinary session by proclamation for the transaction of executive business.

Recommended

No change.

Section 13—When Lieutenant Governor to Act as Governor

Current

In the case of death, conviction on impeachment, failure to qualify, resignation, or other disability of the Governor, the powers, duties and emoluments of the office, for the remainder of the term, or until the disability be removed shall devolve upon the Lieutenant Governor.

Recommended

No change.

Section 14—Vacancy in Office of Lieutenant Governor

Current

In the case of a vacancy in the office of Lieutenant Governor, or when the Lieutenant Governor shall be impeached by the House of Representatives, or shall be unable to exercise the duties of his office, the powers, duties and emoluments thereof for the remainder of the term, or until the disability be removed shall devolve upon the President pro tempore of the Senate; and the President pro tempore of the Senate shall in like manner become Governor if a vacancy or disability shall occur in the office of Governor; his seat as Senator shall become vacant whenever he shall become Governor, and shall be filled by election as any other vacancy in the Senate.

Recommended

No change.

Section 15—Approval of Bills; Veto

Current

Every bill which shall have passed both Houses shall be presented to the Governor; if he approve he shall sign it, but if he shall not approve he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large upon their journal, and proceed to reconsider it. If after such reconsideration, two-thirds of all the members elected to that House shall agree to pass the bill, it shall be sent with the objections to the other House by which likewise it shall be reconsidered, and if approved by two-thirds of all the members elected to that House it shall be a law; but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journals of each House, respectively. If any bill

shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall be a law, unless he shall file the same, with his objections, in the office of the Secretary of the Commonwealth, and give notice thereof by public proclamation within thirty days after such adjournment.

Recommended

No change.

Section 16—Item Veto

Current

The Governor shall have power to disapprove of any item or items of any bill, making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless re-passed according to the rules and limitations prescribed for the passage of other bills over the executive veto.

Recommended

No change.

Section 17—Contested Election of Governor or Lieutenant Governor

Current

The Chief Justice of the Supreme Court shall preside upon the trial of any contested election of Governor or Lieutenant Governor and shall decide questions regarding the admissibility of evidence, and shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the trial. The Governor and Lieutenant Governor shall exercise the duties of their respective offices until their successors shall be duly qualified.

Recommended

No change.

Section 18—Duties of Secretary of the Commonwealth

Current

The Secretary of the Commonwealth shall keep a record of all official acts and proceedings of the Governor, and when required lay the same with all papers, minutes and vouchers relating thereto, before either branch of the General Assembly, and perform such other duties as may be required upon him by law.

Recommended

Repeal.

Section 19—Duties of Secretary of Internal Affairs

Current

The Secretary of Internal Affairs shall exercise all the powers and perform all the duties of the Surveyor General, subject to such changes as shall be made by law. His department shall embrace a bureau of industrial

statistics, and he shall discharge such duties relating to corporations, to the charitable institutions, the agricultural, manufacturing, mining, mineral, timber and other material or business interests of the State as may be prescribed by law. He shall annually, and at such other times as may be required by law, make report to the General Assembly.

Recommended

Repeal.

Section 20—Duties of Superintendent of Public Instruction

Current

The Superintendent of Public Instruction shall exercise all the powers and perform all the duties of the Superintendent of Common Schools, subject to such changes as shall be made by law.

Recommended

Repeal.

Section 21—Terms of Office of Auditor General and State Treasurer

Current

The terms of the Secretary of Internal Affairs, the Auditor General, and the State Treasurer shall each be four years; and they shall be chosen by the qualified electors of the State at general elections; but a State Treasurer, elected in the year one thousand nine hundred and nine, shall serve for three years, and his successor shall be elected at the general election in the year one thousand nine hundred and twelve, and in every fourth year thereafter. No person elected to the office of Auditor General or State Treasurer shall be capable of holding the same office for two consecutive terms.

Recommended

The terms of the Auditor General and the State Treasurer shall each be four years from the third Tuesday of January next following his election. They shall be chosen by the qualified electors of this Commonwealth at general elections. Except for the Auditor General and State Treasurer who may be in office when this amendment is adopted, they shall be eligible to succeed themselves for one additional term.

Section 22—State Seal; Commissions

Current

The present Great Seal of Pennsylvania shall be the seal of the State. All commissions shall be in the name and by authority of the Commonwealth of Pennsylvania, and be sealed with the State seal and signed by the Governor.

Recommended

No change.

Section 23 (New)—Public Archives

Current

None.

Recommended

There shall be one central record office in which all public records of this Commonwealth shall be kept. The General Assembly shall provide for its establishment and operation.

ARTICLE V—THE JUDICIARY

Section 1—Judicial Power

Current

The judicial power of this Commonwealth shall be vested in a Supreme Court, in courts of Common Pleas, courts of Oyer and Terminer and General Jail Delivery, courts of Quarter Sessions of the Peace, Orphans' Courts, Magistrates' Courts, and in such other courts as the General Assembly may from time to time establish.

Recommended

The judicial power of this Commonwealth shall be vested in a Supreme Court, a Superior Court, in Courts of Common Pleas, Criminal Courts, Orphans' Courts, Magistrates' Courts, and in such other courts as the General Assembly may from time to time establish.

Section 2—Supreme Court

Current

The Supreme Court shall consist of seven judges, who shall be elected by the qualified electors of the State at large. They shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be again eligible. The judge whose commission shall first expire shall be chief justice, and thereafter each judge whose commission shall first expire shall in turn be chief justice.

Recommended

The Supreme Court shall consist of seven justices learned in the law, who shall be elected by the qualified electors of the State at large. They shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be again eligible. The justice longest in continuous service shall be chief justice, and thereafter each justice longest in continuous service shall in turn be chief justice.

Section 2A (New)—Superior Court

Current

None.

Recommended

The Superior Court shall consist of seven judges learned in the law, who shall be elected by the qualified electors of the State at large. Those hereafter elected shall hold their offices for the term of twenty-one years, if they so long behave themselves well, but shall not be again eligible. The judge longest in continuous service shall be president judge, and thereafter each judge longest in continuous service shall in turn be president judge.

Section 3—Power of Supreme Court

Current

The jurisdiction of the Supreme Court shall extend over the State, and the judges thereof shall, by virtue of their offices, be justices of Oyer and Terminer and General Jail Delivery in the several counties they shall have original jurisdiction in cases of injunction where a corporation is a party defendant of habeas corpus, of mandamus to courts of inferior jurisdiction, and of quo warranto as to all officers of the Commonwealth whose jurisdiction extends over the State, but shall not exercise any other original jurisdiction; they shall have appellate jurisdiction by appeal, certiorari or writ of error in all cases, as is now or may hereafter be provided by law.

Recommended

The jurisdiction of the Supreme Court shall extend over the State. It shall have original jurisdiction in cases of habeas corpus, of mandamus and prohibition to courts of inferior jurisdiction, and of quo warranto as to all officers of the Commonwealth whose jurisdiction extends over the State, but it shall not exercise any other original jurisdiction. It shall have appellate jurisdiction by appeal or certiorari in all cases, as is now or may hereafter be provided by law. It shall make rules governing the administration of all courts of record of original jurisdiction in the State. It shall have jurisdiction over the admission to the practice of law and the discipline of persons admitted.

Section 3A (New)—Powers of Superior Court

Current

None.

Recommended

Until otherwise provided by law, the jurisdiction and powers of the Superior Court, and appeals from it to the Supreme Court, shall be as at present established.

Section 4—Common Pleas Court and Orphans' Court

Current

Until otherwise directed by law, the courts of Common Pleas shall continue as at present established, except as herein changed; not more than four counties shall, at any time, be included in one judicial district organized for said courts.

Recommended

Until otherwise provided by law, the courts of Common Pleas and Orphans' Courts shall continue as at present established. Not more than three counties shall, at any time, be included in one judicial district.

Section 4A (New)—Powers of the Common Pleas Courts and Orphans' Courts

Current

None.

Recommended

Until otherwise provided by law, the jurisdiction and

the powers of the Courts of Common Pleas and Orphans' Courts shall be as at present established.

Judges of the Courts of Common Pleas shall be judges of the Criminal Courts, and of the Orphans' Courts except in judicial districts now having separate Orphans' Courts or where by law separate Orphans' Courts are hereafter created. Judges of the Courts of Common Pleas may perform the duties of judges of separate Orphans' Courts when thereunto requested by the presiding judge thereof; and judges of the Orphans' Courts may perform the duties of judges of the Courts of Common Pleas or of the Criminal Courts when thereunto requested by the requested by the presiding judge thereof.

Except as herein otherwise provided, the judge longest in continuous service in the Court of Common Pleas and the judge of longest in continuous service in the Orphans' Court shall be president judge of such courts respectively.

Within their respective districts judges of the Courts of Common Pleas shall be Justices of the Peace as to criminal matters.

The jurisdiction and powers now vested by law in the Courts of Oyer and Terminer and Quarter Sessions of the Peace and General Jail Delivery in each county shall be vested in a Criminal Court of the county.

Section 5—Judicial Districts

Current

Whenever a county shall contain forty thousand inhabitants it shall constitute a separate judicial district, and shall elect one judge learned in the law; and the General Assembly shall provide for additional judges, as the business of the said districts may require. Counties containing a population less than is sufficient to constitute separate districts shall be formed into convenient single districts, or, if necessary, may be attached to contiguous districts as the General Assembly may provide. The office of associate judge, not learned in the law, is abolished in counties forming separate districts; but the several associate judges in office when this Constitution shall be adopted shall serve for their unexpired terms.

Recommended

Whenever a county contains forty thousand inhabitants it shall constitute a separate judicial district, and shall elect one judge learned in the law. The General Assembly shall provide for additional judges, learned in the law, as the business of the district may require. Counties containing less than forty thousand inhabitants shall be formed into convenient single districts, or, if necessary, may be attached to contiguous districts as the General Assembly may provide. The office of associate judge, not learned in the law, is abolished in counties forming separate districts.

Section 6—Philadelphia and Allegheny Courts of Common Pleas

Current

In the county of Philadelphia all the jurisdiction and powers now vested in the district courts and courts of common pleas, subject to such changes as may be made by this Constitution or by law, shall be in Philadelphia

vested in five distinct and separate courts of equal and coordinate jurisdiction, composed of three judges each. The said courts in Philadelphia shall be designated respectively as the court of common pleas number one, number two, number three, number four, and number five, but the number of said courts may be by law increased, from time to time, and shall be in like manner designated by successive numbers. The number of judges in any of said courts, or in any county where the establishment of an additional court may be authorized by law, may be increased, from time to time, and whenever such increase shall amount in the whole to three, such three judges shall compose a distinct and separate court as aforesaid, which shall be numbered as aforesaid. In Philadelphia all suits shall be instituted in the said courts of common pleas without designating the number of the said court, and the several courts shall distribute and apportion the business among them in such manner as shall be provided by rules of court, and each court, to which any suit shall be thus assigned, shall have exclusive jurisdiction, thereof, subject to change of venue, as shall be provided by law.

In the county of Allegheny all the jurisdiction and powers now vested in the several numbered courts of common pleas shall be vested in one court of common pleas, composed of all the judges in commission in said courts. Such jurisdiction and powers shall extend to all proceedings at law and in equity which shall have been instituted in the several numbered courts, and shall be subject to such changes as may be made by law, and subject to change of venue as provided by law. The president judge of said court shall be selected as provided by law. The number of judges in said court may be by law increased from time to time. This amendment shall take effect on the first day of January succeeding its adoption.

Recommended

(a) In the county of Philadelphia the jurisdiction and powers now vested in the several numbered Courts of Common Pleas of that county shall be vested in one Court of Common Pleas, composed of all the judges in commission in the courts, subject to changes made by law in the number of judges. Its jurisdiction and powers shall extend to all proceedings at law and in equity instituted in the several numbered courts, and shall be subject to such change as may be made by law. The president judge of the court shall be selected as may be provided by law.

(b) In the county of Allegheny there shall be one Court of Common Pleas, subject to changes made by law in jurisdiction, powers and number of judges.

Section 7—Prothonotary of Philadelphia

Current

For Philadelphia there shall be one prothonotary's office, and one prothonotary for all said courts, to be appointed by the judges of said courts, and to hold office for three years, subject to removal by a majority of the said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said court; and he and his assistants shall receive fixed salaries, to be determined by law and paid by said county; all fees collected in said office, except such as may be by law due to the Commonwealth, shall be paid by the prothonotary into the county treasury. Each court shall have its sep-

arate dockets, except the judgment docket which shall contain the judgments and liens of all the said courts, as is or may be directed by law.

Recommended

Repeal.

Section 8—Criminal Courts in Philadelphia and Allegheny Counties

Current

The said courts in the counties of Philadelphia and Allegheny, respectively, shall, from time to time, in turn detail one or more of their judges to hold the courts of Oyer and Terminer and the courts of Quarter Sessions of the Peace of said counties, in such manner as may be directed by law.

Recommended

Repeal.

Section 9—Duties of Common Pleas Judges

Current

Judges of the courts of Common Pleas learned in the law shall be judges of the courts of Oyer and Terminer, Quarter Sessions of the Peace and General Jail Delivery, and of the Orphans' Court, and within their respective districts shall be Justices of the Peace as to criminal matters.

Recommended

Repeal.

Section 10—Certiorari to Courts not of Record

Current

The judges of the courts of Common Pleas, within their respective counties, shall have power to issue writs of certiorari to justices of the peace and other inferior courts not of record, and to cause their proceeding to be brought before them, and right and justice to be done.

Recommended

No Change.

Section 11—Justices of the Peace and Aldermen

Current

Except as otherwise provided in this Constitution, justices of the peace or aldermen shall be elected in the several wards, districts, boroughs or townships, by the qualified electors thereof, at the municipal election, in such manner as shall be directed by law, and shall be commissioned by the Governor for a term of six years. No township, ward district or borough shall elect more than two justices of the peace or aldermen without the consent of a majority of the qualified electors within such township, ward or borough; no person shall be elected to such office unless he shall have resided within the township, borough, ward or district for one year next preceding his election. In cities containing over fifty thousand inhabitants, not more than one alderman shall be elected in each ward or district.

Recommended

(a) Except in Philadelphia, each county shall be divided by the Court of Common Pleas into as many justice of the peace or aldermen districts as it deems necessary and proper. The districts shall be as nearly equal in population as practicable according to the last preceding United States census. After each census the Court may create new districts based on the same unit of population, and may change the boundaries of districts. In each district there shall be one justice of the peace or alderman, who shall be chosen by the electors of the district at a municipal election. He shall have been a resident of his district for at least one year next preceding his election. He shall hold office for six years from the first Monday of January after his election. A vacancy in the office of justice of the peace or alderman shall be filled by the Governor.

(b) For services rendered in judicial proceedings a justice of the peace or alderman shall receive a salary prescribed by the governing body of the county and paid by the county, and no other compensation. Fees, fines and penalties received by him in judicial proceedings shall be paid into the county treasury for the use of the county, unless otherwise provided by law.

(c) Until otherwise provided by law, justices of the peace or aldermen in any county shall have the jurisdiction and powers of the justices of the peace or aldermen in civil and criminal cases existing when this amendment becomes effective. Those then in office shall serve their then unexpired terms.

(d) Rules of procedures for the conduct of their offices by justices of the peace or aldermen not otherwise provided for by law, shall be prescribed by the Court of Common Pleas of the county.

Section 12—Magistrates Courts in Philadelphia

Current

In Philadelphia there shall be established, for each thirty thousand inhabitants, one court, not of record, of police and civil causes, with jurisdiction not exceeding one hundred dollars; such courts shall be held by magistrates whose term of office shall be six years, and they shall be elected on general ticket at the municipal election, by the qualified voters at large; and in the election of the said magistrates no voter shall vote for more than two-thirds of the number of persons to be elected when more than one are to be chosen; they shall be compensated only by fixed salaries, to be paid by said county; and shall exercise such jurisdiction, civil and criminal, except as herein provided, as is now exercised by aldermen, subject to such changes, not involving an increase of civil jurisdiction or conferring political duties, as may be made by law. In Philadelphia the office of alderman is abolished.

Recommended

(a) In Philadelphia there shall be established courts, not of record, one for each one hundred thousand inhabitants. The courts shall be held by magistrates, who shall be chosen by the qualified electors at a municipal election at which no voter shall vote for more than two-thirds of the number of persons to be chosen. Population shall be determined by the last preceding United States census. A magistrate shall have been a resident of the city for at least one year next preceding his election. He shall hold

office for six years from the first Monday of January after his election. A vacancy in the office of magistrate shall be filled by the Governor.

(b) For services rendered in judicial proceedings a magistrate shall receive a salary prescribed by the City Council and paid by the city, and no other compensation. Fees, fines and penalties received by him in judicial proceedings shall be paid into the city treasury for the use of the city, unless otherwise provided by law.

(c) Until otherwise provided by law, magistrates shall have the jurisdiction and powers of the magistrates in civil and criminal cases existing when this amendment becomes effective. Those then in office shall serve their then unexpired terms.

(d) Rules of procedure for the conduct of their offices, not otherwise provided for by law, shall be prescribed by the Court of Common Pleas of Philadelphia.

Section 13—Fees, Fines and Penalties

Current

All fees, fines and penalties in said courts shall be paid into the county treasury.

Recommended

Repeal.

Section 14—Appeal from Summary Conviction

Current

In all cases of summary conviction in this Commonwealth, or of judgment in suit for a penalty before a magistrate, or court not of record, either party may appeal to such court of record as may be prescribed by law, upon allowance of the appellate court or judge thereof upon cause shown.

Recommended

No Change.

Section 15—Election of Judges

Current

All judges required to be learned in the law, except the judges of the Supreme Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the General Assembly.

Recommended

All judges required to be learned in the law, except the justices of the Supreme Court and the judges of the Superior Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for the period of ten years, if they shall so long behave themselves well. The Governor may remove any of them on the address of two-thirds of the members elected to each House of the General Assembly.

Section 16—Voting for Judges of the Supreme Court

Current

Whenever two judges of the Supreme Court are to be chosen for the same term of service each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two; candidates highest in vote shall be declared elected.

Recommended

Repeal.

Section 17—Priority of Judges

Current

Should any two or more judges of the Supreme Court, or any two or more judges of the court of Common Pleas for the same district, be elected at the same time, they shall, as soon after the election as convenient, cast lots for priority of commission, and certify the result to the Governor who shall issue their commissions in accordance therewith.

Recommended

If any two or more justices of the Supreme Court, or any two or more judges of the Superior Court, or any two or more judges of the Court of Common Pleas or of the Orphans' Court for the same district, assume office on the same day, they shall, as soon after their election or appointment as convenient, cast lots of priority of commission, and certify the result to the Governor who shall issue commissions in accordance therewith.

Section 18—Compensation of Judges

Current

The judges of the Supreme Court and the judges of the several courts of Common Pleas, and all other judges required to be learned in the law, shall at stated times receive for their services an adequate compensation, which shall be fixed by law, and paid by the State. They shall receive no other compensation, fees or perquisites of office for their services, from any source, nor hold any other office of profit under the United States, this State or any other State.

Recommended

The justices of the Supreme Court, the judges of the Superior Court, the judges of the several courts of Common Pleas, and all other judges required to be learned in the law, shall at stated times receive for their services an adequate compensation, which shall be fixed by law and paid by the Commonwealth. They shall receive no other compensation, fees or perquisites of office for their services, from any source, nor hold any other office of profit under the United States, this Commonwealth or any other State.

Section 19—Residence of Judges

Current

The judges of the Supreme Court, during their continuance in office, shall reside within this Commonwealth; and the other judges during their continuance in office, shall reside within the districts for which they shall be respectively elected.

Recommended

The justices of the Supreme Court and the judges of the Superior Court, during their continuance in office, shall reside within this Commonwealth. The other judges during their continuance in office, shall reside within the district for which they were elected.

Section 20—Chancery Powers

Current

The several courts of Common Pleas, besides the powers herein conferred, shall have and exercise within their respective districts, subject to such changes as may be made by law, such chancery powers as are now vested by law in the several courts of Common Pleas of this Commonwealth, or as may hereafter be conferred upon them by law.

Recommended

Repeal.

Section 21—Duties of Judges

Current

No duties shall be imposed by law upon the Supreme Court or any of the judges thereof except such as are judicial, nor shall any of the judges thereof exercise any power of appointment except as herein provided. The court of Nisi Prius is hereby abolished, and no court of original jurisdiction to be presided over by any one or more of the judges of the Supreme Court shall be established.

Recommended

No duties shall be imposed by law upon the Supreme Court or the Superior Court or any of the justices or judges thereof except such as are judicial. None of the justices or judges thereof shall exercise any power of appointment except as herein provided.

Section 22—Orphans' Courts

Current

In every county wherein the population shall exceed one hundred and fifty thousand the General Assembly shall, and in any other county may, establish a separate Orphans' Court to consist of one or more judges who shall be learned in the law, which court shall exercise all the jurisdiction and powers now vested in or which may hereafter be conferred upon the Orphans' Courts, and thereupon the jurisdiction of the judges of the court of Common Pleas within such county in Orphans' Court proceedings, shall cease and determine. In any county in which a separate Orphans' Court shall be established, the register of wills shall be clerk of such court and subject to its directions in all matters pertaining to his office; he may appoint assistant clerks but only with the consent and approval of said court. All accounts filed with him as register or as clerk of the said separate Orphans' Court shall be audited by the court without expense to parties, except where all parties in interest in a pending proceeding shall nominate an auditor whom the court may, in its discretion, appoint. In every county Orphans' Courts shall possess all the powers and jurisdiction of a

Register's court, and separate Register's court are hereby abolished.

Recommended

In every county where the population exceeds one hundred and fifty thousand the General Assembly shall, and in any other county may, establish a separate Orphans' Court to consist of one or more judges who shall be learned in the law. The court shall exercise all the jurisdiction and powers now vested in or which may hereafter be conferred upon the Orphans' Courts. Thereupon the jurisdiction of the judges of the Court of Common Pleas within the county in Orphans' Court proceedings shall cease. In any county in which a separate Orphans' Court is established, the register of wills shall be clerk of the court and subject to its directions in all matters pertaining to his office. He may appoint assistant clerks but only with the approval of the court. All accounts filed with him as register or as clerk of the separate Orphans' Court shall be audited by the court without expense to parties, except where all parties in interest in a pending proceeding nominate an auditor whom the court may, in its discretion, appoint.

Section 23—Style of Process; Indictments

Current

The style of all process shall be "The Commonwealth of Pennsylvania." All prosecutions shall be carried on in the name and by the authority of the Commonwealth of Pennsylvania, and conclude "against the peace and dignity of the same."

Recommended

No Change.

Section 24—Right of Appeal

Current

In all cases of felonious homicide, and in such other criminal cases as may be provided for by law the accused after conviction and sentence may remove the indictment, record and all proceedings, to the Supreme Court for review.

Recommended

In all cases of felonious homicide, the accused, after conviction and sentence, may remove the indictment, record and all proceedings to the Supreme Court for review, and in other criminal cases to the Supreme or Superior Court as provided by law.

Section 25—Selection of Judges

Current

Any vacancy happening by death, resignation or otherwise, in any court of record, shall be filled by appointment by the Governor, to continue till the first Monday of January next succeeding the first general election, which shall occur three or more months after the happening of such vacancy.

Recommended

(a) Whenever a vacancy occurs by death, resignation,

removal from office or expiration of a term of office in the office of justice of the Supreme Court, judge of the Superior Court, or judge of a court of record of Philadelphia or Allegheny Counties, the Governor shall fill the vacancy by appointment from a panel of three persons learned in the law and legally qualified for the office, nominated to him by a judicial commission established and organized as hereinafter provided. If none of the persons so nominated to the Governor is acceptable to him, the judicial commission shall nominate successive panels of three persons until an appointment from a panel is made by the Governor.

(b) At any municipal or general election the qualified voters of any other judicial district may, by a majority vote of those voting on the question, elect to have the judges of the courts of record of that district appointed in the manner provided for Philadelphia and Allegheny Counties. The General Assembly shall enact the laws necessary to provide for such elections.

Where the qualified voters of any other judicial district have elected to fill vacancies in the office of judge of a court of record in the manner provided for Philadelphia and Allegheny Counties, the qualified electors of the district may thereafter, at a municipal or general election, by a majority vote of those voting on the question, elect to discontinue that method of filling a vacancy in the judicial office. The General Assembly shall enact the laws necessary to provide for such election.

(c) There shall be a judicial commission for the appellate courts, a judicial commission each for the courts of record of Philadelphia and Allegheny Counties, and a judicial commission for the courts of each judicial district which has elected to have the judges of the courts of record of that district appointed in the manner provided for Philadelphia and Allegheny Counties. Each commission shall be composed of one judge, three members of the bar selected by the members of the bar and three lay citizens. The judge and the members of the bar of each commission shall be selected in the manner and in accordance with rules prescribed by the Supreme Court. The lay citizens of each judicial commission shall be appointed by the Governor. All the members of the judicial commission for the appellate courts shall be chosen from the State at large and all the members of a judicial commission for the courts of record of a judicial district shall be chosen from that district, except the judge, who may be chosen from another district. During the terms of office for which members of judicial commissions have been chosen, they shall not hold any office in a political party or organization, nor, except the members who are judges, hold any elective public office. They shall not receive any salary or other compensation for their services but shall receive their necessary expenses incurred while actually engaged in the discharge of their official duties. They shall hold office for the term of three years following the organization of the judicial commission of which they are members and shall be eligible for reappointment or reelection. They shall act only by the concurrence of a majority of the members of the judicial commission.

(d) Each justice or judge appointed by the Governor shall hold office for a term ending the first Monday of January following the next election appropriate for his election after the expiration of twelve months following

his appointment. Not less than ninety days before the expiration of the term of office of a justice or a judge appointed by the Governor, or not less than ninety days before the expiration of the term of office of an elected judge entitled to succeed himself, the justice or judge may file in the office of the official charged with the duty of administering statewide elections a declaration of candidacy for election to succeed himself. If he does not file a declaration, a vacancy shall exist at the end of his term to be filled by appointment by the Governor as herein provided. If a justice or a judge files a declaration, his name shall be submitted to the electors on a separate judicial ballot without party designation at the election immediately preceding the expiration of his term of office to determine only the question whether the justice or judge shall be retained in office. The election shall be regulated by law. If a majority vote against retaining the justice or judge, a vacancy shall exist upon the expiration of his term of office to be filled by appointment by the Governor as herein provided. If a majority vote to retain a justice or judge, he shall be deemed elected for the full term of office provided for by the Constitution or laws of this Commonwealth, unless sooner removed in the manner provided by the Constitution. At the expiration of each term, any judge entitled to succeed himself shall be eligible for retention in office by election in the manner herein provided.

(e) Any vacancy happening in any court of record in a judicial district not electing to have the judges of the courts of record appointed in the manner provided for Philadelphia and Allegheny Counties shall be filled by appointment by the Governor, to continue until the first Monday of January next succeeding the first municipal election which shall occur three or more months after the happening of the vacancy.

(f) No justice or judge of any court of record shall directly or indirectly make any contribution to or hold any office in a political party or organization, nor, while retaining judicial office, become a candidate at either a primary or general election for any other than a judicial office.

Section 26—Laws Relating to Courts

Current

All laws relating to courts shall be general and of uniform operation, and the organization, jurisdiction and powers of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process and judgments of such courts, shall be uniform; and the General Assembly is hereby prohibited from creating other courts to exercise the powers vested by this Constitution in the judges of the courts of Common Pleas and Orphans' Courts.

Recommended

All laws relating to courts shall be general and of uniform operation. The organization, jurisdiction and powers of all courts of the same class or grade, so far as regulated by law, and the force and effect of the process and judgment of such courts, shall be uniform.

Section 27—Dispensing with Jury Trial

Current

The parties, by agreement filed, may in any civil case

dispense with trial by jury, and submit the decision of such case to the court having jurisdiction thereof, and such court shall hear and determine the same; and the judgment thereon shall be subject to writ of error as in other cases.

Recommended

The parties, by agreement filed, in any civil case, or the accused in any non-capital case, may dispense with trial by jury and submit the decision of the case to the court having jurisdiction thereof. The court shall hear and determine the case, and the judgment thereon shall be subject to appeal as in other cases.

ARTICLE VI—IMPEACHMENT AND REMOVAL FROM OFFICE

Section 1—Power of Impeachment

Current

The House of Representatives shall have the sole power of impeachment.

Recommended

No Change.

Section 2—Trial of Impeachments

Current

All impeachment shall be tried by the Senate; when sitting for that purpose the Senators shall be upon oath or affirmation; no person shall be convicted without the concurrence of two-thirds of the members present.

Recommended

No Change.

Section 3—Officers Liable to Impeachment

Current

The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this Commonwealth; the person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

Recommended

No Change.

Section 4—Removal of Public Officers

Current

All officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed on conviction of misbehavior in office or of any infamous crime. Appointed officers, other than judges of the courts of record, and the Superintendent of Public Instruction, may be removed at the pleasure of the power by which they shall have been appointed. All officers elected by the people except Governor, Lieutenant-Governor, members of the General Assembly and judges of the courts of record learned in the law, shall be

removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate.

Recommended

All officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed on conviction of misbehavior in office or of any infamous crime. Appointed officers, other than judges of the courts of record, may be removed at the pleasure of the power by which they shall have been appointed. All officers elected by the people, except Governor, Lieutenant-Governor, members of the General Assembly and judges of the courts of record learned in the law, shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the members elected to the Senate.

ARTICLE VII—OATH OF OFFICE

Section 1—Official Oath

Current

Senators and Representatives and all judicial, state and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law."

The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of State officers and judges of the Supreme Court, shall be filed in the office of the Secretary of the Commonwealth, and in the case of other judicial and county officers, in the office of the prothonotary of the county in which the same is taken; any person refusing to take said oath or affirmation shall forfeit his office; and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this Commonwealth. The oath to the members of the Senate and House of Representatives shall be administered by one of the judges of the Supreme Court or of a court of Common Pleas learned in the law, in the hall of the House to which the members shall be elected.

Recommended

Senators and Representatives and all judicial, state and county officers shall, before entering on the duties of

their respective offices, take and subscribe the following oath or affirmation before a person authorized to administer oaths:

"I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity."

The oath to the members of the Senate and House of Representatives shall be administered in the Hall of the House to which the members shall be elected.

ARTICLE VIII—SUFFRAGE AND ELECTIONS

Section 1—Qualifications of Electors

Current

Every citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections, subject, however, to such laws requiring and regulating the registration of electors as the General Assembly may enact.

1. He or she shall have been a citizen of the United States at least one month.

2. He or she shall have resided in the State one year (or, having previously been a qualified elector or native born citizen of the State, he or she shall have removed therefrom and returned, then six months) immediately preceding the election.

3. He or she shall have resided in the election district where he or she shall offer to vote at least two months immediately preceding the election.

Recommended

Every citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections subject, however, to such laws requiring and regulating the registration of electors as the General Assembly may enact.

1. He or she shall have been a citizen of the United States at least one month.

2. He or she shall have resided in the State one year (or, having previously been a qualified elector or native born citizen of the State, he or she shall have removed therefrom and returned, then six months) immediately preceding the election.

3. He or she shall have resided in the election district where he or she shall offer to vote at least sixty days immediately preceding the election, except that if qualified to vote in an election district prior to removal of residence, he or she may if a resident of Pennsylvania vote in the election district from which he or she removed his or her residence within sixty days preceding the election.

Section 2—General Election Day; Municipal Election Day

Current

The general election shall be held biennially on the Tuesday next following the first Monday of November in each even-numbered year, but the General Assembly may by law fix a different day, two-thirds of all the members of each House consenting thereto: Provided, That such election shall always be held in an even-numbered year.

Recommended

General elections shall be held biennially on the Tuesday next following the first Monday of November in each even-numbered year; and municipal elections shall be held biennially on the Tuesday next following the first Monday of November in each odd-numbered year. The General Assembly may by statute fix a different day for the holding of general or municipal elections; but general elections shall always be held in even-numbered years, and municipal elections shall always be held in odd-numbered years.

Section 3—Election of Judges and Local Officers

Current

All judges elected by the electors of the State at large may be elected at either a general or municipal election, as circumstances may require. All elections for judges of the courts for the several judicial districts, and for county, city, ward, borough, and township officers, for regular terms of service, shall be held on the municipal election day; namely, the Tuesday next following the first Monday of November in each odd-numbered year, but the General Assembly may by law fix a different day, two-thirds of all the members of each House consenting thereto: Provided, That such elections shall be held in an odd-numbered year: Provided further, That all judges for the courts of the several judicial districts holding office at the present time, whose terms of office may end in an odd-numbered year shall continue to hold their offices until the first Monday of January in the next succeeding even-numbered year.

Recommended

All judges elected by the electors of this Commonwealth at large may be elected at either a general or municipal election, as circumstances require. All judges of the courts for the several judicial districts, and all county, city, ward, borough, and township officers, shall be elected for regular terms of service at a municipal election.

Section 4—Secrecy in Voting

Current

All elections by the citizens shall be by ballot or by such other method as may be prescribed by law: Provided, That secrecy in voting be preserved.

Recommended

No Change.

Section 5—Electors Privileged From Arrest

Current

Electors shall in all cases except treason, felony and breach or surety of the peace, be privileged from arrest during their attendance on elections and in going to and returning therefrom.

Recommended

No Change.

Section 6—Voting When in Military Service

Current

Whenever any of the qualified electors of this Commonwealth shall be in actual military service, under a requisition from the President of the United States or by the authority of this Commonwealth, such electors may exercise the right of suffrage in all elections by the citizens, under such regulations as are or shall be prescribed by law, as fully as if they were present at their usual places of election.

Recommended

No Change.

Section 7—Election and Registration Laws

Current

All laws regulating the holding of elections by the citizens, or for the registration of electors, shall be uniform throughout the State, except that laws regulating and requiring the registration of electors may be enacted to apply to cities only, provided that such laws be uniform for cities of the same class, and except further, that the General Assembly shall, by general law, permit the use of voting machines, or other mechanical devices for registering or recording and computing the vote, at all elections or primaries, in any county, city, borough or township of the Commonwealth, at the option of the electors of such county, city, borough or township, without being obliged to require the use of such voting machines or mechanical devices in any other county, city, borough or township, under such regulations with reference thereto as the General Assembly may from time to time prescribe. The General Assembly may, from time to time, prescribe the number and duties of election officers in any political subdivision of the Commonwealth in which voting machines or other mechanical devices authorized by this section may be used.

Recommended

All laws regulating the holding of elections by the citizens, or for the registration of electors, shall be uniform throughout the State, except that laws regulating and requiring the registration of electors may be enacted to apply to cities only, provided that such laws be uniform for cities of the same class.

Section 8—Bribery of Electors

Current

Any person who shall give, or promise or offer to give, to an elector, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, or who shall give, or promise to give, such consideration to any other person or party for such elector's vote or for the withholding thereof, and any elector who shall receive or agree to receive, for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election officers shall be required to swear or affirm that

the matter of the challenge is untrue before his vote shall be received.

Recommended

No Change.

Section 9—Violation of Election Laws

Current

Any person who shall, while a candidate for office, be guilty of bribery, fraud or wilful violation of any election law, shall be forever disqualified from holding an office of trust or profit in this Commonwealth; and any person convicted of wilful violation of the election laws shall, in addition to any penalties provided by law, be deprived of the right of suffrage absolutely for a term of four years.

Recommended

Repeal.

Section 10—Witnesses in Contested Elections

Current

In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceedings except for perjury in giving such testimony.

Recommended

No Change.

Section 11—Election Districts

Current

Townships and wards of cities or boroughs shall form or be divided into election districts of compact and contiguous territory, and their boundaries fixed and changed in such manner as may be provided by law.

Recommended

No Change.

Section 12—Viva Voce Elections

Current

All elections by persons in a representative capacity shall be viva voce.

Recommended

No Change.

Section 13—Residence of Certain Electors

Current

For the purpose of voting no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while employed in the service, either civil or military, of this State or of the United States, nor while engaged in the navigation of the waters of the State or of the United States, or on the

high seas, nor while a student of any institution of learning, nor while kept in any poor house or other asylum at public expense, nor while confined in public prison.

Recommended

No Change.

Section 14—Election Officers

Current

District election boards shall consist of a judge and two inspectors, who shall be chosen at municipal elections for such terms as may be provided by law. Each elector shall have the right to vote for the judge and one inspector, and each inspector shall appoint one clerk. The first election board for any new district shall be selected, and vacancies in election boards filled, as shall be provided by law. Election officers shall be privileged from arrest upon days of election, and while engaged in making up and transmitting returns, except upon warrant of a court of record or judge thereof, for an election fraud, for felony or for wanton breach of the peace. In cities they may claim exemption from jury duty during their terms or service.

Recommended

No Change.

Section 15—Disqualifications for Election Officer

Current

No person shall be qualified to serve as an election officer who shall hold, or shall within two months have held, any office, appointment or employment in or under the government of the United States, or of this State, or of any city, or county, or of any municipal board, commission or trust in any city, save only justices of the peace and aldermen, notaries public and persons in the militia service of the State; nor shall any election officer be eligible to any civil office to be filled at an election at which he shall serve, save only to such subordinate municipal or local offices, below the grade of city or county offices, as shall be designated by general law.

Recommended

No Change.

Section 16—Overseers of Elections

Current

The courts of common pleas of the several counties of the Commonwealth shall have power, within their respective jurisdictions, to appoint overseers of election to supervise the proceedings of election officers and to make report to the court as may be required; such appointments to be made for any district in a city or county upon petition of five citizens, lawful voters of such election district, setting forth that such appointment is a reasonable precaution to secure the purity and fairness of elections; overseers shall be two in number for an election district, shall be residents therein, and shall be persons qualified to serve upon election boards, and in each case members of different political parties; whenever the members of an election board shall differ in opinion the overseers, if they

shall be agreed thereon, shall decide the question of difference; in appointing overseers of election all the law judges of the proper court, able to act at the time, shall concur in the appointments made.

Recommended

No Change.

Section 17—Contested Elections

Current

The trial and determination of contested elections of elections of electors of President and Vice-President, members of the General Assembly, and of all public officers, whether State, judicial, municipal or local, shall be by the courts of law, or by one or more of the law judges thereof; the General Assembly shall, by general law, designate the courts and judges by whom the several classes of election contests shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law assigning jurisdiction, or regulating its exercise, shall apply to any contest arising out of an election held before its passage.

Recommended

The trial and determination of contested elections of electors of President and Vice-President, members of the General Assembly, and of all public officers, except Governor and Lieutenant Governor, whether State, judicial, municipal or local, shall be by the courts of law, or by one or more of the law judges thereof. The General Assembly shall, by general law, designate the courts and judges by whom the several classes of election contests shall be tried and regulate the manner of trial and all matters incident thereto; but no such law assigning jurisdiction, or regulating its exercise, shall apply to any contest arising out of an election held before its passage.

Section 18—Absentee Voting by Disabled Veterans

Current

The General Assembly may, by general law, provide a manner in which, and the time and place at which, qualified war veteran voters may vote, who are unable to attend at their proper polling places because of being bed-ridden or otherwise physically incapacitated, and may provide for the return and canvass of their votes in the election district in which they respectively reside. Positive proof of being bed-ridden or otherwise physically incapacitated shall be given by affidavit or by certification of a physician, hospital or other authenticated source.

Recommended

No Change.

Section 19—Absentee Voting

Current

The Legislature may, by general law, provide a manner in which, and the time and place at which, qualified voters who may, on the occurrence of any election, be unavoidably absent from the State or county of their residence because their duties, occupation or business require them to be elsewhere or who, on the occurrence

of any election, are unable to attend at their proper polling places because of illness or physical disability, may vote, and for the return and canvass of their votes in the election district in which they respectively reside.

Recommended

No Change.

Article IX—Taxation and Finance

Section 1—Taxes to be Uniform; Exemptions

Current

All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws; but the General Assembly may, by general laws, exempt from taxation public property used for public purposes, actual places of religious worship, places of burial not used or held for private or corporate profit, and institutions of purely public charity and real and personal property owned, occupied and used by any branch, post or camp of honorably discharged soldiers, sailors and marines; and the General Assembly may, by general laws, set up standards and qualifications for private forest reserves, and make special provision for the taxation thereof.

Recommended

No Change.

Section 1B—Exemptions to Residents of Other States

Current

Taxation laws may grant exemptions or rebates to residents, or estates of residents, of other States which grant similar exemptions or rebates to residents, or estates of residents, of Pennsylvania.

Recommended

No Change.

Section 2—Exemption From Taxation Limited

Current

All laws exempting property from taxation, other than the property above enumerated, shall be void.

Recommended

No Change.

Section 3—Taxation of Corporations

Current

The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the State shall be a party.

Recommended

No Change.

Section 4—State Debt

Current

No debt shall be created by or on behalf of the State,

except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the State in war, or to pay existing debt; and the debt created to supply deficiencies in revenue shall never exceed, in the aggregate at any one time, one million dollars: Provided, however, That the General Assembly, irrespective of any debt, may authorize the State to issue bonds to the amount of one hundred millions of dollars for the purpose of improving and rebuilding the highways of the Commonwealth.

Recommended

(a) No debt shall be created by or on behalf of this Commonwealth unless (1) the debt has been authorized by statute, (2) the debt is for capital improvements separately specified in the statute, (3) the debt has been submitted to the qualified electors of the Commonwealth at a general, municipal, primary or special election and has been approved by a majority vote of those voting on the question, and (4) the debt is evidenced by general obligation bonds of this Commonwealth. Except as herein provided, no debt or other obligation shall hereafter be created by or on behalf of this Commonwealth, or by any authority or other agency, the repayment of which will be made either directly or indirectly from Commonwealth revenues, whether by direct payment or through leases or other contractual obligations. The foregoing provisions do not apply (1) to debts payable solely from the revenues from designated projects and not payable out of any other revenues of the Commonwealth, (2) to debts created in a manner provided by law, by the issuance and sale of tax anticipation notes payable in the fiscal period in which they are issued, from revenues already provided, (3) to loans authorized by section eighteen of this article, and (4) to leases and contractual obligations entered into in the course of the ordinary conduct of government and not for the purpose of financing capital improvements by making payments, through rentals or otherwise, to liquidate debts created by authorities or other agencies without the approval of the qualified electors. Nor do the foregoing provisions apply to debt created to repel invasion, suppress insurrection or defend the Commonwealth in war, or to rehabilitate areas affected by disaster. No debt to supply casual deficiencies of revenue shall be created exceeding one million dollars in the aggregate at any one time.

(b) All bonds issued shall be serial bonds repayable in equal annual installments over a period not to exceed thirty years. The first payment of principal shall be not more than two years after the date of the bond.

(c) The General Assembly may authorize by statute the issuance of general obligation bonds for the purpose of assuming any debt heretofore incurred by any authority and which is currently payable from Commonwealth revenues, under leases to this Commonwealth. The General Assembly may from time to time authorize by law the issuance of refunding bonds to pay any bonded debt of the Commonwealth existing at the time.

Section 5—Limitation on State Loans

Current

All laws, authorizing the borrowing of money by and on behalf of the State, shall specify the purpose for

which the money is to be used, and the money so borrowed shall be used for the purpose specified and no other.

Recommended

No Change.

Section 6—State Credit Not to be Pledged

Current

The credit of the Commonwealth shall not be pledged or loaned to any individual, company, corporation or association, nor shall the Commonwealth become a joint owner or stockholder in any company, association or corporation.

Recommended

No Change.

Section 7—Municipalities Not to Become Stockholders in Corporations

Current

The General Assembly shall not authorize any county, city, borough, township or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual.

Recommended

No Change.

Section 8—Municipal Debt

Current

The debt of any county, city, borough, township, school district, or other municipality or incorporated district, except as provided herein, and in section fifteen of this article, shall never exceed seven (7) per centum upon the assessed value of the taxable property therein, nor shall any such county, municipality or district incur any debt, or increase its indebtedness to an amount exceeding two (2) per centum upon such assessed valuation of property, without the consent of the electors thereof at a public election in such manner as shall be provided by law. The debt of the city of Philadelphia may be increased in such amount that the total debt of said city shall not exceed thirteen and one-half (13½) per centum of the average of the annual assessed valuations of the taxable realty therein, during the ten years immediately preceding the year in which such increase is made, but said city shall not increase its indebtedness to an amount exceeding three (3) per centum upon such average assessed valuation of realty, without the consent of the electors thereof at a public election held in such manner as shall be provided by law. No debt shall be incurred by or on behalf of the county of Philadelphia.

In ascertaining the debt-incurring capacity of the city of Philadelphia at any time, there shall be deducted from the debt of said city so much of such debt as shall have been incurred, or is about to be incurred, and the proceeds thereof expended, or about to be expended, upon any public improvement, or in construction, purchase, or condemnation of any public utility, or part thereof, or facility therefor, if such public improvement or public utility, or

part thereof, or facility therefor, whether separately, or in connection with any other public improvement or public utility, or part thereof, or facility therefor, may reasonably be expected to yield revenue in excess of operating expenses sufficient to pay the interest and sinking fund charges thereon. The method of determining such amount, so to be deducted, shall be as now prescribed, or which may hereafter be prescribed by the General Assembly.

In incurring indebtedness for any purpose, the city of Philadelphia may issue its obligations maturing not later than fifty (50) years from the date thereof, with provision for a sinking fund to be in equal or graded annual or other periodical installments. Where any indebtedness shall be or shall have been incurred by said city of Philadelphia for the purpose of the construction or improvement of public works or utilities of any character, from which income or revenue is to be derived by said city, or for the reclamation of land to be used in the construction of wharves or docks owned or to be owned by said city, such obligations may be in an amount sufficient to provide for, and may include the amount of, the interest and sinking fund charges accruing and which may accrue thereon throughout the period of construction, and until the expiration of one year after the completion of the work for which said indebtedness shall have been incurred; and said city shall not be required to levy a tax to pay said interest and sinking fund charges as required by section ten of this article until the expiration of said period of one year after the completion of said work.

Recommended

(a) No debt shall be incurred or increased by or on behalf of any county, city, borough, incorporated town, township, school district or other political subdivision to an amount exceeding in the aggregate at any one time two per cent of the market value of the taxable property in the political subdivision, without the affirmative vote of a majority of the qualified electors of the political subdivision voting thereon at a public election. Except as herein provided, no debt or other obligation shall hereafter be created by or on behalf of any county, city, borough, incorporated town, township, school district or other political subdivision, the repayment of which will be made either directly or indirectly from general revenues of the political subdivision, whether by direct payment or through leases or other contractual obligations.

(b) The General Assembly may impose additional restrictions and limitations, uniform on each type or class of political subdivision, on the amount of debt that may be created either with or without the consent of the electors, and may prescribe the manner in which any debt may be created. The General Assembly may provide for the apportionment among political subdivisions of borrowing power within general limitations.

(c) Obligations payable solely from the net operating revenues from designated projects are not debt within the meaning of this section.

Section 9—Municipal Debt Not to be Assumed by State

Current

The Commonwealth shall not assume the debt, or any part thereof, of any city, county, borough or township, unless such debt shall have been contracted to enable

the State to repel invasion, suppress domestic insurrection, defend itself in time of war or to assist the State in the discharge of any portion of its present indebtedness.

Recommended

No Change.

Section 10—Tax to Liquidate Municipal Debts

Current

Any county, township, school district or other municipality incurring any indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof within thirty years.

Recommended

No Change.

Section 11—State Sinking Fund

Current

To provide for the payment of the present State debt, and any additional debt contracted as aforesaid, the General Assembly shall continue and maintain the sinking fund, sufficient to pay the accruing interest on such debt and annually to reduce the principal thereof by a sum not less than two hundred and fifty thousand dollars; the said sinking funds shall consist of the proceeds of the sales of the public works or any part thereof, and of the income or proceeds of the sale of any stocks owned by the Commonwealth, together with other funds and resources that may be designated by law, and shall be increased from time to time by assigning it any part of the taxes or other revenues of the State not required for the ordinary and current expenses of government; and unless in case of war, invasion or insurrection, no part of the said sinking fund shall be used or applied otherwise than in the extinguishment of the public debt.

Recommended

(a) To provide for the payment of the present Commonwealth debt and any additional debt contracted, the General Assembly shall continue to maintain a sinking fund sufficient to pay the principal and interest of the debt. If at any time the General Assembly fails to make appropriation for this purpose, the State Treasurer, the provisions of article three, section sixteen notwithstanding, shall set apart from the first revenues thereafter received, applicable to the appropriate fund, a sum sufficient to pay the interest, installments of principal or contributions to the sinking fund, and shall so apply the moneys so set apart. The State Treasurer may be required to set aside and apply such revenues at the suit of any holder of Commonwealth bonds.

(b) No part of the sinking fund shall be used or applied otherwise than in the extinguishment of the public debt until all bonded debt of the Commonwealth has been completely repaid. Any money remaining in the sinking fund at such time shall be transferred to the appropriate fund and may be appropriated by the General Assembly.

Section 12—Surplus Funds

Current

The moneys of the State, over and above the necessary reserve, shall be used in the payment of the debt of the State, either directly or through the sinking fund, and the moneys of the sinking fund shall never be invested in or loaned upon the security of anything, except the bonds of the United States or of this State.

Recommended

No Change.

Section 13—Reserve Funds

Current

The moneys held as necessary reserve shall be limited by law to the amount required for current expenses, and shall be secured and kept as may be provided by law. Monthly statements shall be published showing the amount of such moneys, where the same are deposited, and how secured.

Recommended

Repeal.

Section 14—Punishment For Misuse of State Moneys

Current

The making of profit out of the public moneys or using the same for any purpose not authorized by law by any officer of the State, or member or officer of the General Assembly, shall be a misdemeanor and shall be punished as may be provided by law, but part of such punishment shall be disqualification to hold office for a period of not less than five years.

Recommended

No Change.

Section 15—Municipal Indebtedness for Certain Public Works

Current

No obligations which have been heretofore issued, or which may hereafter be issued, by any county or municipality, other than Philadelphia, to provide for the construction or acquisition of waterworks, subways, underground railways or street railways, or the appurtenances thereof, shall be considered as a debt of a municipality, within the meaning of section eight of article nine of the Constitution of Pennsylvania or of this amendment, if the net revenue derived from said property for a period of five years, either before or after the acquisition thereof, or, where the same is constructed by the county or municipality, after the completion thereof, shall have been sufficient to pay interest and sinking fund charges during said period upon said obligations, or if the said obligations shall be secured by liens upon the respective properties, and shall impose no municipal liability. Where municipalities or counties shall issue obligations to provide for the construction of property, as herein provided, said municipalities or counties may also issue obligations to provide for the interest and

sinking fund charges accruing thereon until said properties shall have been completed and in operation for a period of one year; and said municipalities and counties shall not be required to levy a tax to pay said interest and sinking fund charges, as required by section ten of article nine of the Constitution of Pennsylvania, until after said properties shall have been operated by said counties or municipalities during said period of one year. Any of the said municipalities or counties may incur indebtedness in excess of seven per centum, and not exceeding ten per centum, of the assessed valuation of the taxable property therein, if said increase of indebtedness shall have been assented to by three-fifths of the electors voting at a public election, in such manner as shall be provided by law.

Section 16—Soldiers Bonus

Current

In addition, to the purposes stated in article nine, section four of this Constitution, the State may be authorized by law to create debt and to issue bonds to the amount of fifty millions of dollars for the payment of compensation to certain persons from this State who served in the Army, Navy, or Marine Corps of the United States during the war between the United States and Spain, between the twenty-first day of April, one thousand eight hundred and ninety-eight, and the thirteenth day of August, one thousand eight hundred and ninety-eight, or who served in the China Relief Expedition in the Philippines or Guam, between the twenty-first day of April, one thousand eight hundred and ninety-eight, and the fourth day of July, one thousand nine hundred and two, or who served in the Army, Navy, or Marine Corps of the United States during the World War, between the sixth day of April, one thousand nine hundred and seventeen and the eleventh day of November, one thousand nine hundred and eighteen.

Recommended

Repeal.

Section 16—Toll Bridges

Current

In addition to the purposes stated in article nine, section four, of this Constitution, the General Assembly may provide, by law, for the issue of bonds to the amount of ten millions of dollars for the purpose of acquiring toll bridges, and may, by law, provide that, upon the acquisition of any such bridge, tolls may be charged for the use thereof, sufficient to pay the interest and sinking fund charges on such bonds and the cost of the maintenance of such bridges, until the bonds issued have been retired and such bridges are freed of tolls.

Recommended

Repeal.

Section 17—Authorization of State to Borrow Money

Current

The Governor, the Auditor General, and the State Treasurer, immediately upon the adoption of this amend-

ment by the electors may borrow an amount not exceeding twenty-five million dollars, to defray the expenses of the State government for the biennium beginning June first, one thousand nine hundred thirty-three; provided the General Assembly, at its regular session of one thousand nine hundred thirty-three, has authorized the borrowing of money for this purpose.

Recommended

Repeal.

Section 18—Use of Gasoline Taxes and Motor License Fees Restricted

Current

All proceeds from gasoline and other motor fuel excise taxes, motor vehicle registration fees and license taxes, operators' license fees and other excise taxes imposed on products used in motor transportation after providing therefrom for (a) cost of administration and collection, (b) payment of obligations incurred in the construction and reconstruction of public highways and bridges shall be appropriated by the General Assembly to agencies of the State or political subdivisions thereof; and used solely for construction, reconstruction, maintenance and repair of and safety on public highways and bridges and air navigation facilities and costs and expenses incident thereto, and for the payment of obligations incurred for such purposes, and shall not be diverted by transfer or otherwise to any other purpose, except that loans may be made by the State from the proceeds of such taxes and fees for a single period not exceeding eight months, but no such loan shall be made within the period of one year from any preceding loan, and every loan made in any fiscal year shall be repayable within one month after the beginning of the next fiscal year.

Recommended

No Change.

Section 19—Special Assessments by Philadelphia for Transit Facilities

Current

The city of Philadelphia, in constructing, for the benefit of the inhabitants thereof, transit subways, rapid transit railways, or other local transit facilities for the transportation of persons or property, shall have the power, in order the more justly to distribute the benefits and costs of such transit facilities, to levy special assessments against such properties, whether abutting or not abutting upon said transit facilities, as are or will be specially and particularly benefited by the construction or operation of such transit facilities; such power to be exercised in accordance with existing or with future laws or pursuant to statutes enacted prior to the adoption of this amendment but made effective by it. Such special assessments, when so levied, may be made payable presently when levied or in installments over a period of years, with or without interest, and shall immediately, when so levied, be deducted from any indebtedness incurred for such purposes in calculating the debt of such city. Such city may acquire by eminent domain either the fee or less estate or easements in land necessary for the con-

struction or operation of such transit facilities or for the disposal of earth or material excavated in the construction thereof or for other incidental purposes; but this provision shall not create any additional powers for the condemnation of any railroad or street railway in operation.

Recommended

No Change.

Section 21—Bonds Authorized for Special Purposes

Current

In addition to the purposes stated in article nine, section four of this Constitution, the Commonwealth may be authorized by law to create debt and to issue bonds to the amount of fifty million dollars (\$50,000,000) for the construction of public buildings, highways, drainage and sanitary systems, anti-stream pollution and flood control projects for purposes of reforestation, and for the rehabilitation and hospitalization of war veterans.

Recommended

Repeal.

Section 22—Soldiers Bonus

Current

In addition to the purposes stated in article nine, section four of this Constitution, the Commonwealth may be authorized by law to create debt and to issue bonds to the amount of \$500,000,000 for the payment of compensation to certain persons from this Commonwealth who shall have served in the armed forces of the United States or of any of her allies during World War II, between the seventh day of December, one thousand nine hundred forty-one and the second day of September, one thousand nine hundred forty-five, for the service of such persons to their country whether or not they be living when distribution shall be made, and if such persons shall be deceased when distribution shall be made, such deceased person's compensation shall be paid to his spouse, child, children or parents.

Recommended

Repeal.

Section 23—Korean Veterans Bonus

Current

In addition to the purposes stated in article nine, section four of this Constitution, the Commonwealth may be authorized by law to create debt and to issue bonds to the amount of one hundred fifty million dollars (\$150,000,000) for the payment of compensation to certain persons from this Commonwealth, who served in the armed forces of the United States or any of her allies during the Korean Conflict, between June twenty-five, one thousand nine hundred fifty, and July twenty-seven, one thousand nine hundred fifty-three, for the service of such persons to their country, whether or not they are living when distribution is made, and, if the person is deceased when distribution is made, the deceased person's compensation shall be paid to his spouse, child, children or parents.

The law authorizing the creation of the debt and the issuance of the bonds shall not take effect, until revenue-raising measures are enacted, which the Senate and House of Representatives, by concurrent resolution, declare and deem sufficient to amortize the amount to be borrowed and paid. The revenue derived from such revenue-raising measures shall be used only for the payment of the debt created, as herein provided, and the measures shall provide for their termination when sufficient funds are accumulated to pay the debt.

Recommended

No Change.

ARTICLE X—EDUCATION

Section 1—Public School System

Current

The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of this Commonwealth above the age of six years may be educated, and shall appropriate at least one million dollars each year for that purpose.

Recommended

The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools, wherein all the children of the Commonwealth may be educated.

Section 2—Sectarian Schools Not to Receive Public School Money

Current

No money raised for the support of the public schools of the Commonwealth shall be appropriated to or used for the support of any sectarian school.

Recommended

No Change.

Section 3—Females Eligible as School Officers

Current

Women twenty-one years of age and upwards shall be eligible to any office of control or management under the school laws of this State.

Recommended

Repeal.

ARTICLE XI—MILITIA

Section 1—Militia to be Organized

Current

The freemen of this Commonwealth shall be armed, organized and disciplined for its defense when and in such manner as may be directed by law. The General Assembly shall provide for maintaining the militia by appropriations from the treasury of the Commonwealth, and may exempt from military service persons having conscientious scruples against bearing arms.

Recommended

The citizens of this Commonwealth shall be armed, organized and disciplined for its defense when and in such manner as may be directed by law. The General Assembly shall provide for maintaining the militia by appropriations from the treasury of the Commonwealth, and may exempt from State military service persons having conscientious scruples against bearing arms.

ARTICLE XII—PUBLIC OFFICERS

Section 1—Selection of Officers not Otherwise Provided for in Constitution

Current

All officers, whose selection is not provided for in this Constitution, shall be elected or appointed as may be directed by law: Provided, That elections of State officers shall be held on a general election day, and elections of local officers shall be held on a municipal election day, except when, in either case, special elections may be required to fill unexpired terms.

Recommended

No Change.

Section 2—Incompatible Offices

Current

No member of Congress from this State, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this State to which a salary, fees or perquisites shall be attached. The General Assembly may by law declare what offices are incompatible.

Recommended

No Change.

Section 3—Punishment for Dueling

Current

Any person who shall fight a duel or send a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this State, and may be otherwise punished as shall be prescribed by law.

Recommended

Repeal.

ARTICLE XIII—NEW COUNTIES

Section 1—Limitation on Erection of New Counties

Current

No new county shall be established which shall reduce any county to less than four hundred square miles, or to less than twenty thousand inhabitants; nor shall any county be formed of less area, or containing a less population; nor shall any line thereof pass within ten miles of the county seat of any county proposed to be divided.

Recommended

No Change.

ARTICLE XIV—COUNTY GOVERNMENT

Section 1—Optional Plans of County Government

Current

County officers shall consist of sheriffs, coroners, prothonotaries, registers of wills, recorders of deeds, commissioners, treasurers, surveyors, auditors or controllers, clerks of the courts, district attorneys and such others as may from time to time be established by law; and no treasurer shall be eligible for the term next succeeding the one for which he may be elected.

Recommended

The General Assembly shall provide by general law for the government of counties. The General Assembly may, by law applicable to all classes of counties or to a particular class, provide optional plans of county organization and government under which an authorized optional plan may be adopted or abandoned by a majority of the qualified electors of a county voting thereon. One option shall be the form of county government at the time prescribed by law for the particular class of county. Under any plan, the governing body shall be an elective body.

Section 2—County Officers

Current

County officers shall be elected at the municipal elections and shall hold their offices for the term of four years, beginning on the first Monday of January next after their election, and until their successors shall be duly qualified; all vacancies not otherwise provided for, shall be filled in such manner as may be provided by law.

Recommended

Elective county officers shall be chosen at municipal elections and shall take office on the first Monday of January next after their election. They shall hold office until their successors have qualified. Elective county officers shall be citizens of the Commonwealth and qualified electors of the county.

Section 3—Residence Requirement for Appointment to a County Office

Current

No person shall be appointed to any office within any county who shall not have been a citizen and an inhabitant therein one year next before his appointment, if the county shall have been so long erected, but if it shall not have been so long erected, then within the limits of the county or counties out of which it shall have been taken.

Recommended

Repeal.

Section 4—County Seat; Location of Offices

Current

Prothonotaries, clerks of the courts, recorders of deeds, registers of wills, county surveyors and sheriffs, shall keep their offices in the county town of the county in which they respectively shall be officers.

Recommended

Repeal.

Section 5—Compensation of County Officers

Current

The compensation of county officers shall be regulated by law, and all county officers who are or may be salaried shall pay all fees which they may be authorized to receive, into the treasury of the county or State, as may be directed by law. In counties containing over one hundred and fifty thousand inhabitants all county officers shall be paid by salary, and the salary of any such officer and his clerks, heretofore paid by fees, shall not exceed the aggregate amount of fees earned during his term and collected by or for him.

Recommended

Repeal.

Section 6—Accountability of Municipal Officers

Current

The General Assembly shall provide by law for the strict accountability of all county, township and borough officers, as well for the fees which may be collected by them, as for all public or municipal moneys which may be paid to them.

Recommended

Repeal.

Section 7—County Commissioners and Auditors

Current

Three county commissioners and three county auditors shall be elected in each county where such officers are chosen, in the year one thousand nine hundred and eleven and every fourth year thereafter; and in the election of said officers each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected; any casual vacancy in the office of county commissioner or county auditor shall be filled, by the court of common pleas of the county in which such vacancy shall occur; by the appointment of an elector of the proper county who shall have voted for the commissioner or auditor whose place is to be filled.

Recommended

Repeal.

Section 8—Abolition of County Offices in Philadelphia

Current

(1) In Philadelphia all county offices are hereby abolished, and the city shall henceforth perform all functions of county government within its area through officers selected in such manner as may be provided by law.

(2) Local and special laws, regulating the affairs of the city of Philadelphia and creating offices or prescribing the powers and duties of officers of the city of Philadelphia, shall be valid notwithstanding the provisions of section seven of article three of this Constitution.

(3) All laws applicable to the county of Philadelphia shall apply to the city of Philadelphia.

(4) The city of Philadelphia shall have, assume and take over all powers, property, obligations and indebtedness of the county of Philadelphia.

(5) The provisions of article fifteen, section one of the Constitution shall apply with full force and effect to the functions of the county government hereafter to be performed by the city government.

(6) This amendment shall become effective immediately upon its adoption.

(7) Upon adoption of this amendment all county officers shall become officers of the city of Philadelphia, and, until the General Assembly shall otherwise provide, shall continue to perform their duties and be elected, appointed, compensated and organized in such manner as may be provided by the provisions of this Constitution and the laws of the Commonwealth in effect at the time this amendment becomes effective, but such officers serving when this amendment becomes effective shall be permitted to complete their terms.

Recommended

(a) In Philadelphia all county offices are abolished. The city shall perform all functions of county government within its area.

(b) Local and special laws with respect to powers granted to the City of Philadelphia shall be valid notwithstanding the provisions of article three, section seven of this Constitution.

(c) All laws applicable to the County of Philadelphia shall apply to the City of Philadelphia.

(d) The City of Philadelphia shall have, assume and take over all powers, property, obligations and indebtedness of the County of Philadelphia.

(e) The provisions of article fifteen of this Constitution shall apply with full force and effect to the functions of the county government performed by the city.

(f) All officers performing functions of county government shall be officers of the City of Philadelphia. Until otherwise provided by the City of Philadelphia through amendment to the Philadelphia Home Rule Charter, they shall continue to perform their duties and be elected, appointed, compensated and organized in the manner now in effect.

ARTICLE XV—CITIES AND BOROUGHES

Section 1—Incorporation and Corporate Changes

Current

Cities may be chartered whenever a majority of the electors of any town or borough having a population of at least ten thousand shall vote at any general or municipal election in favor of the same. Cities, or cities of any particular class, may be given the right and power to frame and adopt their own charters and to exercise the powers and authority of local self-government, subject, however, to such restrictions, limitations, and regulations, as may be imposed by the Legislature. Laws also may be enacted affecting the organization and government of cities and boroughs, which shall become effective in any city or borough only when submitted to the electors thereof, and approved by a majority of those voting thereon.

Recommended

The General Assembly shall provide by general law for the incorporation and government of cities and boroughs and the methods by which municipal boundaries may be altered and municipalities may be consolidated or dissolved.

Section 2—Optional Plans of Organization and Government

Current

No debt shall be contracted or liability incurred by any municipal commission, except in pursuance of an appropriation previously made therefore by the municipal government.

Recommended

The General Assembly may, by general law, provide optional plans of municipal organizations and government, under which an authorized optional plan may be adopted or abandoned by majority vote of the qualified electors of the city or borough voting thereon.

Section 3—Home Rule Charter Making

Current

Every city shall create a sinking fund, which shall be inviolably pledged for the payment of its funded debt.

Recommended

(a) The qualified electors of any city or borough may adopt, amend or repeal a home rule charter of government. The adoption, amendment or repeal of a charter shall be proposed either by resolution of the legislative body of the city or borough or by a charter commission of not less than seven members elected by the qualified electors of the city or borough from their membership pursuant to petition for such election, bearing the signatures of at least ten per cent of the qualified electors of the city or borough and filed with the chief recording officer of the legislative body of the city or borough. The legislative body of the city or borough shall by resolution direct the election board to provide for holding the election in accordance with the provision of the election laws. On the death, resignation or inability to serve of any member of a charter commission, the remaining members shall elect a successor. A charter commission may propose (1) the adoption of a charter, (2) amendment of a charter or particular part or parts of a charter, or (3) repeal of a charter, or (4) any of these acts, as specified in the petition.

(b) The General Assembly shall provide by statute for procedure not inconsistent with the provisions of this section, and may provide by statute for a number of charter commission members in excess of seven on the basis of population. In the absence of such legislation, the legislative body of a city or borough in which the adoption, amendment or repeal of a charter is proposed shall provide by ordinance or resolution for the procedure; and the number of charter commission members shall be seven. The legislative body, may, if it defaults in the exercise of this authority, be compelled by judicial mandate, at the instance of at least ten signers of a suffi-

cient petition filed under this section, to exercise the authority.

(c) All expenses of elections conducted under this section and all proper expenses of a charter commission shall be paid by the city or borough.

(d) Every charter, charter amendment and charter repeal proposed shall be submitted to the vote of the electors of the city or borough in the manner provided by the election laws, and shall not become effective unless a majority of the electors voting on it votes in favor of it.

(e) Any part of a proposed home rule charter may be submitted for separate vote. Alternate sections or articles of a proposed home rule charter or proposed charter amendments may be submitted. The section or article receiving the larger vote, in each instance, shall prevail if the charter or amendment is adopted.

(f) A city or borough which adopts a home rule charter may exercise any power or perform any function which the General Assembly has power to devolve upon a non-home rule charter city or borough, so long as the power or function is not denied by statute nor by its home rule charter and it is within limitations as may be established by the statute. This devolution of power does not include the power to enact private or civil laws governing civil relationships except as an incident to an exercise of an independent municipal power, nor does it include power to define and provide for the punishment of a felony.

(g) Charter provisions with respect to municipal executive, legislative and administrative structure and organization, and to the selection, compensation, terms and conditions of service, removal and retirement of municipal personnel are of superior authority to statute, subject to the requirement that the members of a municipal legislative body be chosen by popular election, and except as to judicial review of administrative proceedings, which shall be subject to the superior authority of statute.

(h) A municipal legislative body or charter commission which proposes the termination of home rule charter status by repeal of a home rule charter shall incorporate in the proposition to be submitted to the qualified electors a specification of the form of government under which the city or borough would thereafter operate in the event of repeal, whether it be a form prescribed by general law for municipalities of its population class or one of such optional forms as may have been authorized by general law for cities or boroughs of its population class. A municipal legislative body or charter commission proposing charter repeal shall also, by resolution of that body, determine when the transition to the new form of government shall take place in the event of repeal and make such other provisions as may be appropriate to effect an orderly transition from home rule charter to non-home rule charter status.

(i) At least thirty days before an election thereon, notice shall be given by publication in a newspaper of general circulation within the city or borough that copies of a proposed charter, charter amendment or repeal proposition and resolution are on file in the office of the chief recording officer of the legislative body of the city or borough, and that a copy will be furnished by him to any qualified elector or taxpayer of the city or borough upon request.

(j) The qualified electors of a city or borough shall not

elect a charter commission more often than once in four years.

Section 4—Consolidation in Allegheny County

Current

The General Assembly is hereby authorized to provide for the consolidation of the county, poor districts, cities, boroughs and townships of the county of Allegheny, and the offices thereof, into a consolidated city and county, with the constitutional and legal capacity of a municipal corporation, to be known either as "Greater Pittsburgh" or "Metropolitan Pittsburgh" or "City of Pittsburgh (Metropolitan)," and to provide for a charter for its government, and to fix the name thereof in the charter. The said charter shall be submitted to the electors of said county at a special or general election to be provided for therein. If the majority of the electors voting thereon in the county as a whole, and at least a majority of the electors voting thereon in each of a majority of the cities, boroughs and townships thereof, vote in the affirmative, the act shall take effect for the whole county.

If rejected, the said charter may be resubmitted by the county commissioners to the electors from time to time, but not oftener than once in two years, until adopted. Until a charter shall have been adopted as aforesaid, the General Assembly shall have the power to amend or modify the said charter, in which event the charter as amended or modified shall be submitted and resubmitted as aforesaid.

It shall be competent, subject to the police power of the State, for the Legislature to provide in said charter:

I. For the exercise by the consolidated city of all the powers and duties vested in the county of Allegheny, and the poor districts thereof, and such other powers appropriate to a municipality as may be specified therein, except such powers as are specifically reserved by this section to the municipal divisions herein provided for.

II. For the election of a board of commissioners, by districts and/or at large, by the electors of the consolidated city, the number to be fixed by the charter, in lieu of present county commissioners, in which board shall be vested all the powers of the consolidated city except as otherwise provided in the charter.

III. For the organization of a government for the consolidated city, and for the appointment and/or election of any officers thereof, created by the Constitution, or otherwise, and to provide for their powers and duties.

IV. For the organization and reorganization of all courts, other than those of record, in the consolidated city, and for the appointment and/or election of the judges and officers thereof, and for the procedure thereof including the right to provide that said court or courts be courts of record, which courts may exercise the jurisdiction, powers and rights of the magistrates, aldermen and justices of the peace, and such other jurisdiction and powers as may be conferred by law.

V. For the transfer to and the assumption by the consolidated city of the property and indebtedness of the county of Allegheny, and the poor districts thereof, and of such property and indebtedness of the cities, boroughs and townships thereof as relate to the powers and duties of said consolidated city, and to provide for an equitable adjustment and arrangement with respect thereto and

for the payment of such indebtedness, and, for this purpose, any taxation therein, arising thereby, shall be uniform taxation within the meaning and intent of other provisions of the Constitution.

VI. For the assessment of property for taxation, the levying and collecting of taxes, and the payment of the cost of any public or municipal improvement, in whole or in part, by special assessment upon abutting and non-abutting property specially benefited thereby.

VII. For the creation, by the board of commissioners, of districts for the purpose of regulating the location, height, area, bulk and use of building and premises.

VIII. For the creation of indebtedness by the consolidated city within the limits now or hereafter imposed upon cities by other provisions of the Constitution. Such power to create indebtedness shall not impair the power of the municipal divisions, within the consolidated city, to create indebtedness within the limits now or hereafter imposed upon such municipalities by other provisions of the Constitution.

IX. For the creation by the board of commissioners, of special districts for the purpose of carrying on or carrying out any public or municipal improvement, not for the exclusive benefit of any one municipal division; and, for the payment of the cost and maintenance of such property or improvement, or any part thereof, special taxes may be levied throughout such special districts, respectively, separate and apart from the general consolidated city tax.

X. For the exercise of such powers by the consolidated city as may be necessary to enable it to carry on and carry out such municipal and metropolitan powers and functions as the General Assembly may deem advisable and expedient and for the general welfare of the said city and its inhabitants:

Provided, however, That it is the intent of this section that substantial powers be reserved to the cities, boroughs and townships situated in Allegheny County. To this end, the charter shall provide for the continued existence of the said cities, boroughs and townships, as municipal divisions of the consolidated city under their present names and forms of government, subject to the laws now or hereafter provided for government of municipalities of their respective forms and classes and to the powers conferred upon the consolidated city by the charter, and with their present boundaries. Any two or more of said municipal divisions, or portions thereof, may, with the consent of a majority of the electors voting thereon in each of such divisions at any special or general election, be united to form a single municipal division. Wherever a portion of a municipal division is involved, the election shall be held in the entire municipal division of which the said portion is a part.

The said municipal divisions shall have and continue to have the following powers:

I. The constitutional and legal capacity of municipal corporations.

II. The power to levy and collect taxes and to incur indebtedness, subject to the limitations which are or may be imposed by law upon cities, boroughs or townships of corresponding classification, for the purpose of carrying out any lawful power of said divisions.

III. The power to acquire, own, construct, maintain, operate or contract for all kinds of public property, works,

improvements, utilities or services, which shall be within the municipal division and, where authorized by law, without the limits of the municipal division. Subject, however, to the right and power of the consolidated city to construct, acquire, maintain and/or operate public works, improvements, utilities and services of all kinds, including through streets, highways and/or bridges, for the use and benefit of the consolidated city and its inhabitants.

IV. The power to maintain a local police force and local fire department, either paid or volunteer, with the necessary buildings, appurtenances and equipment therefor, which may be independent of or supplemental to the police force and fire department of the consolidated city.

V. All other powers not specifically granted by the charter to the consolidated city: Provided, however, That a municipal division may surrender, by a majority vote of the electors voting thereon at any general or special election, any of its powers to the consolidated city, subject to the acceptance thereof by the board of commissioners.

After a charter has been adopted as aforesaid, it may be amended as follows:

I. In matters which relate only to the powers of the consolidated city and which do not reduce the powers of any one or more of the municipal divisions thereof by the General Assembly: Provided, however, That any amendment which changes or modifies the form of government of the consolidated city, or the number of or manner of election of the commissioners thereof, shall not be effective until such amendment shall have been ratified by a majority of the electors of the consolidated city voting thereon at a general or special election to be provided for in said amendment.

II. In matters which reduce the powers of any one or more of the municipal divisions of the consolidated city, such amendment, enacted by the General Assembly, shall not be effective until it shall have been ratified at a general or special election, to be provided for in said amendment, by a majority of the electors voting thereon in all of the municipal divisions affected thereby, and by a majority of the electors voting thereon in each of a majority of said municipal divisions so affected.

Recommended

Repeal.

Section 5—Acquisition of Land for Highway Construction

Current

The General Assembly may authorize cities to take more land and property than is needed for actual construction in the laying out, widening, extending or relocating highways or streets connecting with bridges crossing streams or tunnels under streams which form boundaries between this and any other state, but the additional land and property, so authorized to be taken, shall not be more than sufficient to form suitable building sites on such highways and streets. Nor shall the authority hereby conferred be exercised in connection with the laying out, widening, extending or relocating of any highway or street at a point more than three miles distant from the approach to any such bridge or tunnel. After so much of the land and property has been appropriated for

such highways or streets as is needed therefor, the remainder may be sold or leased and any restrictions imposed thereupon which will preserve or enhance the benefit to the public of the property actually needed for the aforesaid public use.

Recommended

Repeal.

ARTICLE XVI—PRIVATE CORPORATIONS

Section 1—Certain Charters to be Void

Current

All existing charters or grants of special or exclusive privileges, under which a bona fide organization shall not have taken place and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

Recommended

No Change.

Section 2—Conditions Imposed on Certain Benefits to Corporations

Current

The General Assembly shall not remit the forfeiture of the charter of any corporation now existing, or alter or amend the same, or pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

Recommended

No Change.

Section 3—State's Right of Eminent Domain

Current

The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the General Assembly from taking the property and franchises of incorporated companies, and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the State.

Recommended

No Change.

Section 4—Corporate Elections

Current

In all elections for directors or managers of a corporation each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

Recommended

No Change.

Section 5—Foreign Corporations

Current

No foreign corporation shall do any business in this State without having one or more known places of business and an authorized agent or agents in the same upon whom process may be served.

Recommended

Repeal.

Section 6—Corporate Powers; Real Estate

Current

No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it take or hold any real estate except such as may be necessary and proper for its legitimate business.

Recommended

Repeal.

Section 7—Stocks and Bonds; Increase of Indebtedness

Current

No corporation shall issue stocks or bonds except for money, labor done or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law.

Recommended

Repeal.

Section 8—Compensation for Property Taken
Under Right of Eminent Domain

Current

Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured or destroyed by the construction or enlargement of their works, highways or improvements, which compensation shall be paid or secured before such taking, injury or destruction. The General Assembly is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise; and the amount of such damages in all cases of appeal shall on the demand of either party be determined by a jury according to the course of the common law.

Recommended

No Change.

Section 9—Banking Laws

Current

Every banking law shall provide for the registry and countersigning, by an officer of the State, of all notes or bills designed for circulation, and that ample security to the full amount thereof shall be deposited with the Auditor General for the redemption of such notes or bills.

Recommended

Repeal.

Section 10—Revocation and Alteration of Corporate
Charter; New Charters

Current

The General Assembly shall have the power to alter, revoke or annul any charter of incorporation now existing and revocable at the adoption of this Constitution, or any that may hereafter be created, whenever in their opinion it may be injurious to the citizens of this Commonwealth, in such manner, however, that no injustice shall be done to the corporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.

Recommended

All charters of private corporations now existing and revocable at the adoption of this amendment may be altered, revoked or annulled, if in the opinion of the General Assembly they may be injurious to the citizens of this Commonwealth, in such manner that no injustice shall be done to the corporators. All laws heretofore or hereafter adopted by the General Assembly dealing with the formation and regulation of private corporations and prescribing the powers, rights, duties and liabilities of private corporations, their officers, directors and shareholders, may be amended, repealed or revoked.

Section 11—Incorporation and Powers of Banks and
Trust Companies

Current

The General Assembly shall have the power by general law to provide for the incorporation of banks and trust companies, and to prescribe the powers thereof.

Recommended

Repeal.

Section 12—Regulation of Telegraph Lines

Current

Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines, and the General Assembly shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in the stock or bonds of, any other telegraph company owning a complete line, or acquire, by purchase or otherwise, any other competing line of telegraph.

Recommended

Repeal.

Section 13—Meaning of Term "Corporations"

Current

The term "corporations" as used in this rule shall be construed to include all joint stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

Recommended

Repeal.

ARTICLE XVII—RAILROADS AND CANALS

Section 1—To be Public Highways and Common Carriers

Current

All railroads and canals shall be public highways and all railroad and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad; and shall receive and transport each the other's passengers, tonnage and cars loaded or empty, without delay or discrimination.

Recommended

Repeal.

Section 2—Stock Transfer Office; Books

Current

Every railroad and canal corporation organized in this State shall maintain an office therein where transfers of its stock shall be made, and where its books shall be kept for inspection by any stockholder or creditor of such corporation, in which shall be recorded the amount of capital stock subscribed or paid in, and by whom, the names of the owners of its stock and the amounts owned by them, respectively, the transfers of said stock, and the names and places of residence of its officers.

Recommended

Repeal.

Section 3—No Discrimination in Service

Current

All individuals, associations and corporations shall have equal right to have persons and property transported over railroads and canals, and no undue or unreasonable discrimination shall be made in charges for, or in facilities for, transportation of freight or passengers within the State or coming from or going to any other State.

Recommended

Repeal.

Section 4—Consolidation Prohibited; Restrictions on Officers

Current

No railroad, canal or other corporation, or the lessees, purchasers or managers of any railroad or canal corporation, shall consolidate the stock, property or franchises of such a corporation with, or lease, or purchase the works or franchises of, or in any way control any other railroad or canal corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad or canal corporation act as an officer of any

railroad or canal corporation owning or having the control of a parallel or competing line; and the question whether railroads or canals are parallel or competing lines shall, when demanded by the party complainant, be decided by a jury as in other civil issues.

Recommended

Repeal.

Section 5—Limitation of Powers

Current

No incorporated company doing the business of a common carrier shall directly or indirectly, prosecute or engage in mining or manufacturing articles for transportation over its works; nor shall such company directly or indirectly engage in any other business than that of common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business; but any mining or manufacturing company may carry the products of its mines and manufactories on its railroad or canal not exceeding fifty miles in length.

Recommended

Repeal.

Section 6—Officers Not to be Interested in Contracts

Current

No president, director, officer, agent or employe of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled or worked by such company.

Recommended

Repeal.

Section 7—Discrimination and Preferences Prohibited

Current

No discrimination in charges or facilities for transportation shall be made between transportation companies and individuals, or in favor of either, by abatement, drawback or otherwise, and no railroad or canal company, or any lessee, manager or employe thereof, shall make any preferences in furnishing cars or motive power.

Recommended

Repeal.

Section 8—Passes Prohibited; Exceptions

No railroad, railway, or other transportation company shall grant free passes, or passes at a discount, to any person except officers or employes of the company and clergymen.

Recommended

Repeal.

Section 9—Street Railways

Current

No street passenger railway shall be constructed within

the limits of any city, borough or township, without the consent of its local authorities.

Recommended

Repeal.

Section 10—Acceptance of this Article

Current

No railroad, canal or other transportation company, in existence at the time of the adoption of this article, shall have the benefit of any future legislation by general or special laws, except on condition of complete acceptance of all the provisions of this article.

Recommended

Repeal.

Section 11—Duties of Secretary of Internal Affairs

Current

The existing powers and duties of the Auditor General in regard to railroads, canals and other transportation companies, except as to their accounts, are hereby transferred to the Secretary of Internal Affairs, who shall have a general supervision over them, subject to such regulations and alterations as shall be provided by law; and, in addition to the annual reports now required to be made, said Secretary may require special reports at any time upon any subject relating to the business of said companies from any officer or officers thereof.

Recommended

Repeal.

Article 12—Enforcement of this Article

Current

The General Assembly shall enforce by appropriate legislation the provisions of this article.

Recommended

Repeal.

ARTICLE XVIII—AMENDMENT AND REVISION

Section 1—Future Amendments

Current

Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and, if the same shall be agreed to by a majority of the members elected to each House, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and if, in the General Assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each House, the Secretary of the Commonwealth shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the

qualified electors of the State in such manner, and at such time, at least three months after being so agreed to by the two Houses, as the General Assembly shall prescribe; and, if such amendment or amendments shall be approved by a majority of those voting thereon, such amendment or amendments shall become a part of the Constitution; but no amendment or amendments shall be submitted oftener than once in five years. When two or more amendments shall be submitted they shall be voted upon separately.

Recommended

Amendments to this Constitution may be proposed in the Senate or House of Representatives at any regular session of the General Assembly. If agreed to by a majority of the members elected to each House, they shall be entered on their journals with the yeas and nays taken thereon; and the official charged with the duty of administering statewide elections shall publish each amendment three months before the next general or municipal election in at least two newspapers in every county in which such newspapers are published. If at the next regular session of the General Assembly the proposed amendment is agreed to by a majority of the members elected to each House, the official charged with the duty of administering statewide elections shall again and in like manner publish the proposed amendment; and it shall be submitted to the qualified electors of the Commonwealth in such manner and at such time, at least three months after being so agreed to by the two Houses, as the General Assembly prescribes. If an amendment is approved by a majority of those voting thereon, it shall become part of this Constitution. After an amendment has been once submitted and not approved, it or one substantially related, shall not again be submitted until a period of five years has elapsed. When two or more amendments are submitted, they shall be voted on separately.

Section 2 (New)—Amendment by Initiative

Current

None.

Recommended

Amendments to this Constitution may be proposed by petition, signed by a number of qualified electors equal to five per cent of the total number of votes cast for Governor at the last preceding gubernatorial election, and filed with the official charged with the duty of administering statewide elections. Each petition shall set forth the full text of the amendment proposed, and shall be verified by the affidavit of the persons soliciting the signatures. The official shall transmit the petition to the General Assembly, when in session, or as soon as it convenes. If an amendment proposed by petition is agreed to by a majority of the members elected to each House, it shall be advertised and submitted to the qualified electors of the Commonwealth as provided in section one of this article as though it had been agreed to by two succeeding regular sessions of the General Assembly. If (1) the proposed amendment is rejected, or (2) it is agreed to in an amended form, or (3) no action is taken thereon within four months from the time it is received by the

General Assembly, if the General Assembly is in session so long, and, if not, then within four months after the convening of the next regular session of the General Assembly; and if so demanded by supplementary petition signed by a number of qualified electors equal to ten per cent of the total number of votes cast for Governor at the last preceding gubernatorial election, the proposed amendment shall be submitted to the qualified electors in a manner and at a time prescribed by the General Assembly. The supplementary petition shall be filed with the official charged with the duty of administering statewide elections within six months (1) after the proposed amendment was rejected by the General Assembly, or (2) after the expiration of the four months herein provided for action on the petition by the General Assembly, if no action has been taken thereon, or (3) after the proposed amendment, as amended by the General Assembly, has been filed with the proper official. The proposed amendment shall be advertised and submitted to the qualified electors of the Commonwealth as provided in section one of this article in the form prescribed by the supplementary petition, which shall be either as first petitioned for or with any amendments incorporated therein by either House or by both. Houses of the General Assembly. If the proposed amendment is approved by a majority of the qualified electors voting thereon, it shall become a part of this Constitution. All petitions shall be in the form provided by law for nomination petitions, unless otherwise provided by law.

Section 3 (New)—Periodic Review

Current

None.

Recommended

In the year nineteen hundred seventy-three and every fifteenth year thereafter, the provisions of this Constitution shall be studied and reviewed in the light of contemporary conditions and the anticipated conditions and needs of the people of this Commonwealth. The General Assembly shall provide for a commission to perform the work.

ARTICLE XIX (NEW)—SOCIAL WELFARE

Section 1 (New)—Care of the Needy

Current

None.

Recommended

The aid, care, and support of the needy; the protection and promotion of the health of the inhabitants of the State; the care and treatment of persons suffering from mental disorder or defect; the custody of dependent, neglected or delinquent children; the reformation of juvenile delinquents; the detention, probation and parole of persons charged with or convicted of crime are all matters of public concern, and provision therefor shall be made by the State and its sub-divisions in such manner and by such means as the General Assembly may from time to time determine.

DRAFTS OF JOINT RESOLUTIONS

Class 1 Changes

Class 1 changes are those recommendations for amendment which the Commission deems to be of first importance, critically needed for the efficient conduct of the state government, and which the Commission strongly urges the General Assembly to approve.

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C 1.1—Trial by Jury

A JOINT RESOLUTION

Proposing an amendment to article one, section six of the Constitution of the Commonwealth of Pennsylvania, removing the guaranty of trial by jury except in criminal cases.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article one, section six of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 6. Trial by jury in criminal cases shall be as heretofore, and the right thereof remain inviolate.

For Historical Note and Comments, see page 18.

C 1.2—Annual Sessions

A JOINT RESOLUTION

Proposing an amendment to article two, section four of the Constitution of the Commonwealth of Pennsylvania, making the General Assembly a continuing body; and

providing for annual sessions, and the calling of special sessions.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article two, section four of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 4. The General Assembly shall be a continuing body during the term for which its Representatives are elected. It shall meet at twelve o'clock noon on the first Tuesday of January each year. Special sessions shall be called by the Governor on petition of a majority of the members elected to each House, and may be called by the Governor whenever, in his opinion, the public interest requires.

For Historical Note and Comments, see page 19.

C 1.3—Senatorial Districts

A JOINT RESOLUTION

Proposing an amendment to article two, section sixteen of the Constitution of the Commonwealth of Pennsylvania, revising apportionment of senatorial districts.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article two, section sixteen of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 16. The State shall be divided into fifty senatorial districts of compact and contiguous territory as nearly equal in population as may be, and each district shall be entitled to elect one Senator. Each county containing one or more ratios of population shall be entitled to one Senator for each ratio, and to an additional Senator for a surplus of population exceeding three-fifths of a ratio, but no county shall form a separate district unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators, when such county may be assigned a Senator on less than four-fifths and exceeding one-half of a ratio, and no county shall be divided unless entitled to two or more Senators. No ward, borough or township shall be divided in the formation of a district. The senatorial ratio shall be ascertained by dividing the whole population of the State by the number fifty.

For Historical Note and Comments, see page 21.

C 1.4—Legislative Apportionment

A JOINT RESOLUTION

Proposing an amendment to article two, section eighteen of the Constitution of the Commonwealth of Pennsylvania, making apportionment of senatorial and representative districts mandatory.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in ac-

cordance with the provisions of the eighteenth article thereof:

That article two, section eighteen of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 18. Before the close of each regular session of the General Assembly at which the officially certified figures of a United States decennial census first are available, the General Assembly shall apportion the Commonwealth into senatorial and representative districts. If the General Assembly fails to do so, the Governor shall, immediately after final adjournment, call the General Assembly into special session for the sole purpose of making the apportionments. At the special session there shall be no legislation on any other subject. The General Assembly shall not adjourn sine die until it has completed the apportionment into both senatorial and representative districts.

For Historical Note and Comments, see page 22.

C 1.5—Legislation at Special Sessions

A JOINT RESOLUTION

Proposing an amendment to article three of the Constitution of the Commonwealth of Pennsylvania, repealing section twenty-five thereof, which limits legislation at special sessions of the General Assembly.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article three of the Constitution of the Commonwealth of Pennsylvania be amended by repealing section twenty-five thereof, which reads:

"Section 25. When the General Assembly shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session."

For Historical Note and Comments, see page 23.

C 1.6—Succession by the Governor

A JOINT RESOLUTION

Proposing an amendment to article four, section three of the Constitution of the Commonwealth of Pennsylvania, making the governor eligible to succeed himself for one additional term.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article four, section three of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 3. The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election. Except for the Governor who may be in office when this amendment is adopted, he shall be eligible to succeed himself for one additional term.

For Historical Note and Comments, see page 24.

C 1.7—Board of Pardons

A JOINT RESOLUTION

Proposing an amendment to article four, section nine of the Constitution of the Commonwealth of Pennsylvania, changing the membership of the Board of Pardons and the keeping of its records.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article four, section nine of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 9. (a) In all criminal cases except impeachment, the Governor shall have power to remit fines and forfeitures, to grant reprieves, commutations of sentence and pardons; but no pardon shall be granted, nor sentence commuted, except on the recommendation in writing of a majority of the Board of Pardons, after full hearing in open session, upon due public notice. The recommendation, with the reasons therefor at length, shall be recorded and filed with the Board in a docket kept for that purpose.

(b) The Board of Pardons shall consist of the Lieutenant Governor, who shall be chairman, the Attorney General, the chairman of the agency created by the General Assembly to administer paroles, and two members appointed by the Governor with the consent of a majority of the members elected to the Senate, one for three years and one for six years, and thereafter for full terms of six years. The Board shall keep records of its actions, which shall at all times be open for public inspection.

Schedule

That no inconvenience may arise from the change in the Constitution of the Commonwealth, and in order to carry it into complete operation, it is declared that:

This amendment shall take effect at the beginning of the term of the Governor taking office next following the adoption of this amendment.

For Historical Note and Comments, see page 25.

C 1.8—Philadelphia Courts, Consolidation

A JOINT RESOLUTION

Proposing an amendment to article five, sections six and seven of the Constitution of the Commonwealth of Pennsylvania, consolidating the courts of common pleas of Philadelphia into one court; and repealing provisions relating to the prothonotary of the courts.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article five, section six of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 6. (a) In the county of Philadelphia the jurisdiction and powers now vested in the several numbered Courts of Common Pleas of that county shall be vested in one Court of Common Pleas, composed of all the judges in commission in the courts, subject to changes made by law in the number of judges. Its jurisdiction and powers shall extend to all proceedings at law and in equity insti-

tuted in the several numbered courts, and shall be subject to such change as may be made by law. The president judge of the court shall be selected as may be provided by law.

(b) In the county of Allegheny there shall be one Court of Common Pleas, subject to changes made by law in jurisdiction, powers and number of judges.

That article five, section seven of the Constitution of the Commonwealth of Pennsylvania, which reads:

"Section 7, For Philadelphia there shall be one prothonotary's office, and one prothonotary for all said courts, to be appointed by the judges of said courts, and to hold office for three years, subject to removal by a majority of the said judges; the said prothonotary shall appoint such assistants as may be necessary and authorized by said court; and he and his assistants shall receive fixed salaries, to be determined by law and paid by said county; all fees collected in said office, except such as may be by law due to the Commonwealth, shall be paid by the prothonotary into the county treasury. Each court shall have its separate dockets, except the judgement docket which shall contain the judgments and liens of all the said courts, as is or may be directed by law." be repealed.

Schedule

That no inconvenience may arise from the change in the Constitution of the Commonwealth, and in order to carry it into complete operation, it is declared that:

This amendment shall take effect on the first day of January next following its adoption.

Until the General Assembly provides for the selection of the president judge, the president judge of the existing numbered court of common pleas longest in continuous service in all if the several numbered courts shall be president judge of the single court of common pleas. If two or more are equal in continuous service, they shall cast lots to determine who shall be president judge.

For Historical Note and Comments, see pages 26-28.

C 1.9—Justices of the Peace and Aldermen

A JOINT RESOLUTION

Proposing an amendment to article five, section eleven of the Constitution of the Commonwealth of Pennsylvania, changing the justice of the peace and alderman system.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article five, section eleven of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 11. (a) Except in Philadelphia, each county shall be divided by the Court of Common Pleas into as many justice of the peace or alderman districts as it deems necessary and proper. The districts shall be as nearly equal in population as practicable according to the last preceding United States census. After each census the Court may create new districts based on the same unit of population, and may change the boundaries of districts. In each district there shall be one justice of the peace or alderman, who shall be chosen by the electors of the district at a

municipal election. He shall have been a resident of his district for at least one year next preceding his election. He shall hold office for six years from the first Monday of January after his election. A vacancy in the office of justice of the peace or alderman shall be filled by the Governor.

(b) For services rendered in judicial proceedings a justice of the peace or alderman shall receive a salary prescribed by the governing body of the county and paid by the county, and no other compensation. Fees, fines and penalties received by him in judicial proceedings shall be paid into the county treasury for the use of the county, unless otherwise provided by law.

(c) Until otherwise provided by law, justices of the peace or aldermen in any county shall have the jurisdiction and powers of the justices of the peace or aldermen in civil and criminal cases existing when this amendment becomes effective. Those then in office shall serve their then unexpired terms.

(d) Rules of procedure for the conduct of their offices by justices of the peace or aldermen, not otherwise provided for by law, shall be prescribed by the Court of Common Pleas of the county.

Schedule

That no inconvenience may arise from the change in the Constitution of the Commonwealth, and in order to carry it into complete operation, it is declared that:

Justice of the peace and alderman districts shall be created and the salaries of justices of the peace and aldermen shall be fixed before the first day fixed by law for the circulation of nomination petitions for the municipal primary election next following the adoption of this amendment.

At the municipal election next following the adoption of this amendment a justice of the peace or alderman shall be elected in each district.

All justices of the peace and aldermen in office at the time of the adoption of this amendment and whose terms do not expire before the terms of justices of the peace and aldermen provided for hereby commence, shall continue in office until the end of the term for which they were elected and shall have concurrent jurisdiction with the justice of the peace or alderman of the district.

For Historical Note and Comments, see pages 29-30.

C 1.10—Magistrates Courts in Philadelphia

A JOINT RESOLUTION

Proposing an amendment to article five, sections twelve and thirteen of the Constitution of the Commonwealth of Pennsylvania, relating to magistrates courts in Philadelphia, their number, jurisdiction and rules of procedure; and repealing a supplied provision.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article five, section twelve of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 12. (a) In Philadelphia there shall be established courts, not of record, one for each one hundred

thousand inhabitants. The courts shall be held by magistrates, who shall be chosen by the qualified electors at a municipal election at which no voter shall vote for more than two-thirds of the number of persons to be chosen. Population shall be determined by the last preceding United States census. A magistrate shall have been a resident of the city for at least one year next preceding his election. He shall hold office for six years from the first Monday of January after his election. A vacancy in the office of magistrate shall be filled by the Governor.

(b) For services rendered in judicial proceedings a magistrate shall receive a salary prescribed by the City Council and paid by the city, and no other compensation. Fees, fines and penalties received by him in judicial proceedings shall be paid into the city treasury for the use of the city, unless otherwise provided by law.

(c) Until otherwise provided by law, magistrates shall have the jurisdiction and powers of the magistrates in civil and criminal cases existing when this amendment becomes effective. Those then in office shall serve their then unexpired terms.

(d) Rules of procedure for the conduct of their offices, not otherwise provided for by law, shall be prescribed by the Court of Common Pleas of Philadelphia.

That article five, section thirteen of the Constitution of the Commonwealth of Pennsylvania which reads:

"Section 13. All fees, fines and penalties in said courts shall be paid into the county treasury." be repealed.

Schedule

That no inconvenience may arise from the change in the Constitution of the Commonwealth, and in order to carry it into complete operation, it is declared that:

All magistrates in office at the time of the adoption of this amendment shall continue in office until the end of the terms for which they were elected. Vacancies happening after this amendment is adopted shall not be filled until the number of magistrates is less than that provided for by this amendment.

For Historical Note and Comments, see pages 31-32.

C 1.11—Voting for Judges

A JOINT RESOLUTION

Proposing an amendment to article five of the Constitution of the Commonwealth of Pennsylvania, repealing section sixteen thereof, which provides for voting for judges of the Supreme Court where more than one are to be elected.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article five of the Constitution of the Commonwealth of Pennsylvania be amended by repealing section sixteen thereof, which reads:

"Section 16. Whenever two judges of the Supreme Court are to be chosen for the same term of service each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two; candidates highest in vote shall be declared elected."

For Historical Note and Comments, see pages 32-33.

C 1.12—Pennsylvania Plan for the Selection of Judges

A JOINT RESOLUTION

Proposing an amendment to articles four, five and eight of the Constitution of the Commonwealth of Pennsylvania, providing a system for the selection of appellate court judges and of judges of certain courts of record of inferior jurisdiction.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article five, section twenty-five of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 25. (a) Whenever a vacancy occurs by death, resignation, removal from office or expiration of a term of office in the office of justice of the Supreme Court, judge of the Superior Court, or judge of a court of record of Philadelphia or Allegheny Counties, the Governor shall fill the vacancy by appointment from a panel of three persons learned in the law and legally qualified for the office, nominated to him by a judicial commission established and organized as hereinafter provided. If none of the persons so nominated to the Governor is acceptable to him, the judicial commission shall nominate successive panels of three persons until an appointment from a panel is made by the Governor.

(b) At any municipal or general election the qualified voters of any other judicial district may, by a majority vote of those voting on the question, elect to have the judges of the courts of record of that district appointed in the manner provided for Philadelphia and Allegheny Counties. The General Assembly shall enact the laws necessary to provide for such elections.

Where the qualified voters of any other judicial district have elected to fill vacancies in the office of judge of a court of record in the manner provided for Philadelphia and Allegheny Counties, the qualified electors of the district may thereafter, at a municipal or general election, by a majority vote of those voting on the question, elect to discontinue that method of filling a vacancy in the judicial office. The General Assembly shall enact the laws necessary to provide for such election.

(c) There shall be a judicial commission for the appellate courts, a judicial commission each for the courts of record of Philadelphia and Allegheny Counties, and a judicial commission for the courts of each judicial district which has elected to have the judges of the courts of record of that district appointed in the manner provided for Philadelphia and Allegheny Counties. Each commission shall be composed of one judge, three members of the bar selected by the members of the bar and three lay citizens. The judge and the members of the bar of each commission shall be selected in the manner and in accordance with rules prescribed by the Supreme Court. The lay citizens of each judicial commission shall be appointed by the Governor. All the members of the judicial commission for the appellate courts shall be chosen from the State at large and all the members of a judicial commis-

sion for the courts of record of a judicial district shall be chosen from that district, except the judge, who may be chosen from another district. During the terms of office for which members of judicial commissions have been chosen, they shall not hold any office in a political party or organization, nor, except the members who are judges, hold any elective public office. They shall not receive any salary or other compensation for their services but shall receive their necessary expenses incurred while actually engaged in the discharge of their official duties. They shall hold office for the term of three years following the organization of the judicial commission of which they are members and shall be eligible for reappointment or reelection. They shall act only by the concurrence of a majority of the members of the judicial commission.

(d) Each justice or judge appointed by the Governor shall hold office for a term ending the first Monday of January following the next election appropriate for his election after the expiration of twelve months following his appointment. Not less than ninety days before the expiration of the term of office of a justice or a judge appointed by the Governor, or not less than ninety days before the expiration of the term of office of an elected judge entitled to succeed himself, the justice or judge may file in the office of the official charged with the duty of administering statewide elections a declaration of candidacy for election to succeed himself. If he does not file a declaration, a vacancy shall exist at the end of his term to be filled by appointment by the Governor as herein provided. If a justice or a judge files a declaration, his name shall be submitted to the electors on a separate judicial ballot without party designation at the election immediately preceding the expiration of his term of office to determine only the question whether the justice or judge shall be retained in office. The election shall be regulated by law. If a majority vote against retaining the justice or judge, a vacancy shall exist upon the expiration of his term of office to be filled by appointment by the Governor as herein provided. If a majority vote to retain a justice or judge, he shall be deemed elected for the full term of office provided for by the Constitution or laws of this Commonwealth, unless sooner removed in the manner provided by the Constitution. At the expiration of each term, any judge entitled to succeed himself shall be eligible for retention in office by election in the manner herein provided.

(e) Any vacancy happening in any court of record in a judicial district not electing to have the judges of the courts of record appointed in the manner provided for Philadelphia and Allegheny Counties shall be filled by appointment by the Governor, to continue until the first Monday of January next succeeding the first municipal election which shall occur three or more months after the happening of the vacancy.

(f) No justice or judge of any court of record shall directly or indirectly make any contribution to or hold any office in a political party or organization, nor, while retaining judicial office, become a candidate at either a primary or general election for any other than a judicial office.

That article four, section eight be repealed in so far as it applies to judicial offices provided for by article five, section twenty-five of the Constitution.

That article five, sections two and fifteen and article

eight, section three be repealed in so far as they apply to the election of judges selected under the provisions of article five, section twenty-five of the Constitution.

That article five, section sixteen be repealed.

For Historical Note and Comments, see pages 33-37.

C 1.13—Dispensing with Jury Trial

A JOINT RESOLUTION

Proposing an amendment to article five, section twenty-seven of the Constitution of the Commonwealth of Pennsylvania, permitting the accused in non-capital cases to dispense with trial by jury.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article five, section twenty-seven of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 27. The parties, by agreement filed, in any Civil case, or the accused in any non-capital case, may dispense with trial by jury and submit the decision of the case to the court having jurisdiction thereof. The court shall hear and determine the case, and the judgment thereon shall be subject to appeal as in other cases.

For Historical Note and Comments, see page 38.

C 1.14—Voting on Removal of Residence

A JOINT RESOLUTION

Proposing an amendment to article eight, section one of the Constitution of the Commonwealth of Pennsylvania, changing residence requirements.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That section one, article eight of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 1. Every citizen twenty-one years of age, possessing the following qualifications, shall be entitled to vote at all elections subject, however, to such laws requiring and regulating the registration of electors as the General Assembly may enact.

1. He or she shall have been a citizen of the United States at least one month.

2. He or she shall have resided in the State one year (or, having previously been a qualified elector or native born citizen of the State, he or she shall have removed therefrom and returned, then six months) immediately preceding the election.

3. He or she shall have resided in the election district where he or she shall offer to vote at least sixty days immediately preceding the election, except that if qualified to vote in an election district prior to removal of residence, he or she may, if a resident of Pennsylvania, vote in the election district from which he or she removed his or her residence within sixty days preceding the election.

For Historical Note and Comments, see pages 38-40.

C 1.15—State Debt

A JOINT RESOLUTION

Proposing an amendment to article nine, section four of the Constitution of the Commonwealth of Pennsylvania, providing for and regulating Commonwealth debt for capital improvements and certain other purposes; and prohibiting debts and obligations inconsistent therewith.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article nine, section four of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 4. (a) No debt shall be created by or on behalf of this Commonwealth unless (1) the debt has been authorized by statute, (2) the debt is for capital improvements separately specified in the statute, (3) the debt has been submitted to the qualified electors of the Commonwealth at a general, municipal, primary or special election and has been approved by a majority vote of those voting on the question, and (4) the debt is evidenced by general obligation bonds of this Commonwealth. Except as herein provided, no debt or other obligation shall hereafter be created by or on behalf of this Commonwealth, or by any authority or other agency, the repayment of which will be made either directly or indirectly from Commonwealth revenues, whether by direct payment or through leases or other contractual obligations. The foregoing provisions do not apply (1) to debts payable solely from the revenues from designated projects and not payable out of any other revenues of the Commonwealth, (2) to debts created in a manner provided by law, by the issuance and sale of tax anticipation notes payable in the fiscal period in which they are issued, from revenues already provided, (3) to loans authorized by section eighteen of this article, and (4) to leases and contractual obligations entered into in the course of the ordinary conduct of government and not for the purpose of financing capital improvements by making payments, through rentals or otherwise, to liquidate debts created by authorities or other agencies without the approval of the qualified electors. Nor do the foregoing provisions apply to debt created to repel invasion, suppress insurrection or defend the Commonwealth in war, or to rehabilitate areas affected by disaster. No debt to supply casual deficiencies of revenue shall be created exceeding one million dollars in the aggregate at any one time.

(b) All bonds issued shall be serial bonds repayable in equal annual installments over a period not to exceed thirty years. The first payment of principal shall be not more than two years after the date of the bond.

(c) The General Assembly may authorize by statute the issuance of general obligation bonds for the purpose of assuming any debt heretofore incurred by any authority and which is currently payable from Commonwealth revenues, under leases to this Commonwealth. The General Assembly may from time to time authorize by law the issuance of refunding bonds to pay any bonded debt of the Commonwealth existing at the time.

For Historical Note and Comments, see pages 40-42.

C 1.16—Municipal Debt

A JOINT RESOLUTION

Proposing an amendment to article nine, of the Constitution of the Commonwealth of Pennsylvania, providing for and regulating debt of political subdivisions, and prohibiting debts and obligations inconsistent therewith.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article nine, section eight of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 8. (a) No debt shall be incurred or increased by or on behalf of any county, city, borough, incorporated town, township, school district or other political subdivision to an amount exceeding in the aggregate at any one time two per cent of market value of the taxable property in the political subdivision, without the affirmative vote of a majority of the qualified electors of the political subdivision voting thereon at a public election. Except as herein provided, no debt or other obligation shall hereafter be created by or on behalf of any county, city, borough, incorporated town, township, school district or other political subdivision, the repayment of which will be made either directly or indirectly from general revenues of the political subdivision, whether by direct payment or through leases or other contractual obligations.

(b) The General Assembly may impose additional restrictions and limitations, uniform on each type or class of political subdivision, on the amount of debt that may be created either with or without the consent of the electors, and may prescribe the manner in which any debt may be created. The General Assembly may provide for the apportionment among political subdivisions of borrowing power within general limitations.

(c) Obligations payable solely from the net operating revenues from designated projects are not debt within the meaning of this section.

That article nine, section fifteen of the Constitution of the Commonwealth of Pennsylvania, which reads:

"Section 15. No obligations which have been heretofore issued, or which may hereafter be issued, by any county or municipality, other than Philadelphia, to provide for the construction or acquisition of waterworks, subways, underground railways or street railways, or the appurtenances thereof, shall be considered as a debt of a municipality, within the meaning of section eight of article nine of the Constitution of Pennsylvania or of this amendment, if the net revenue derived from said property for a period of five years, either before or after the acquisition thereof, or, where the same is constructed by the county or municipality, after the completion thereof, shall have been sufficient to pay interest and sinking fund charges during said period upon said obligations, or if the said obligations shall be secured by liens upon the respective properties, and shall impose no municipal liability. Where municipalities or counties shall issue obligations to provide for the construction of property, as herein provided, said municipalities or counties may also issue obligations to provide for the interest and sinking fund charges accruing thereon until said properties shall have been completed and in operation for a period of one year; and said municipalities and counties shall not be required

to levy a tax to pay said interest and sinking fund charges, as required by section ten of article nine of the Constitution of Pennsylvania, until after said properties shall have been operated by said counties or municipalities during said period of one year. Any of the said municipalities or counties may incur indebtedness in excess of seven per centum, and not exceeding ten per centum, of the assessed valuation of the taxable property therein, if said increase of indebtedness shall have been assented to by three-fifths of the electors voting at a public election, in such manner as shall be provided by law."

be repealed.

For Historical Note and Comments, see pages 42 and 47.

C 1.17—State Sinking Fund

A JOINT RESOLUTION

Proposing an amendment to article nine, section eleven of the Constitution of the Commonwealth of Pennsylvania, regulating the Commonwealth sinking fund; and giving it priority in the application of Commonwealth funds.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article nine, section eleven of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 11. (a) To provide for the payment of the present Commonwealth debt and any additional debt contracted, the General Assembly shall continue to maintain a sinking fund sufficient to pay the principal and interest of the debt. If at any time the General Assembly fails to make appropriation for this purpose, the State Treasurer, the provisions of article three, section sixteen notwithstanding, shall set apart from the first revenues thereafter received, applicable to the appropriate fund, a sum sufficient to pay the interest, installments of principal or contributions to the sinking fund, and shall so apply the moneys so set apart. The State Treasurer may be required to set aside and apply such revenues at the suit of any holder of Commonwealth bonds.

(b) No part of the sinking fund shall be used or applied otherwise than in the extinguishment of the public debt until all bonded debt of the Commonwealth has been completely repaid. Any money remaining in the sinking fund at such time shall be transferred to the appropriate fund and may be appropriated by the General Assembly.

For Historical Note and Comments, see pages 45-46.

C 1.18—County Government and Officers

A JOINT RESOLUTION

Proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania, providing for optional plans of county government and for elective county officers.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article fourteen, sections one, two, three, four, five, six and seven of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 1. The General Assembly shall provide by general law for the government of counties. The General Assembly may, by law applicable to all classes of counties or to a particular class, provide optional plans of county organization and government under which an authorized optional plan may be adopted or abandoned by a majority of the qualified electors of a county voting thereon. One option shall be the form of county government at the time prescribed by law for the particular class of county. Under any plan, the governing body shall be an elective body.

Section 2. Elective county officers shall be chosen at municipal elections and shall take office on the first Monday of January next after their election. They shall hold office until their successors have qualified. Elective county officers shall be citizens of the Commonwealth and qualified electors of the county.

For Historical Note and Comments, see pages 48-50.

C 1.19—Cities and Boroughs

A JOINT RESOLUTION

Proposing an amendment to article fifteen of the Constitution of the Commonwealth of Pennsylvania, relating to cities and boroughs; providing for their incorporation, optional plans of organization and government and home rule charter making.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article fifteen of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 1. The General Assembly shall provide by general law for the incorporation and government of cities and boroughs and the methods by which municipal boundaries may be altered and municipalities may be consolidated or dissolved.

Section 2. The General Assembly may, by general law, provide optional plans of municipal organizations and government, under which an authorized optional plan may be adopted or abandoned by majority vote of the qualified electors of the city or borough voting thereon.

Section 3. (a) The qualified electors of any city or borough may adopt, amend or repeal a home rule charter of government. The adoption, amendment or repeal of a charter shall be proposed either by resolution of the legislative body of the city or borough or by a charter commission of not less than seven members elected by the qualified electors of the city or borough from their membership pursuant to petition for such election, bearing the signatures of at least ten per cent of the qualified electors of the city or borough and filed with the chief recording officer of the legislative body of the city or borough. The legislative body of the city or borough shall by resolution direct the election board to provide for holding the election in accordance with the provision of the election laws. On the death, resignation or inability to serve of any member of a charter commission, the re-

maining member shall elect a successor. A charter commission may propose (1) the adoption of a charter, (2) amendment of a charter or particular part or parts of a charter, or (3) repeal of a charter, or (4) any of these acts, as specified in the petition.

(b) The General Assembly shall provide by statute for procedure not inconsistent with the provisions of this section, and may provide by statute for a number of charter commission members in excess of seven on the basis of population. In the absence of such legislation, the legislative body of a city or borough in which the adoption, amendment or repeal of a charter is proposed shall provide by ordinance or resolution for the procedure; and the number of charter commission members shall be seven. The legislative body may, if it defaults in the exercise of this authority, be compelled by judicial mandate, at the instance of at least ten signers of a sufficient petition filed under this section, to exercise the authority.

(c) All expenses of elections conducted under this section and all proper expenses of a charter commission shall be paid by the city or borough.

(d) Every charter, charter amendment and charter repeal proposed shall be submitted to the vote of the electors of the city or borough in the manner provided by the election laws, and shall not become effective unless a majority of the electors voting on it votes in favor of it.

(e) Any part of a proposed home rule charter may be submitted for separate vote. Alternate sections or articles of a proposed home rule charter or proposed charter amendments may be submitted. The section or article receiving the larger vote, in each instance, shall prevail if the charter or amendment is adopted.

(f) A city or borough which adopts a home rule charter may exercise any power or perform any function which the General Assembly has power to devolve upon a non-home rule charter city or borough, so long as the power or function is not denied by statute nor by its home rule charter and it is within limitations as may be established by the statute. This devolution of power does not include the power to enact private or civil laws governing civil relationships except as an incident to an exercise of an independent municipal power, nor does it include power to define and provide for the punishment of a felony.

(g) Charter provisions with respect to municipal executive, legislative and administrative structure and organization, and to the selection, compensation, terms and conditions of service, removal and retirement of municipal personnel are of superior authority to statute, subject to the requirement that the members of a municipal legislative body be chosen by popular election, and except as to judicial review of administrative proceedings, which shall be subject to the superior authority of statute.

(h) A municipal legislative body or charter commission which proposes the termination of home rule charter status by repeal of a home rule charter shall incorporate in the proposition to be submitted to the qualified electors a specification of the form of government under which the city or borough would thereafter operate in the event of repeal, whether it be a form prescribed by general law for municipalities of its population class or one of such optional forms as may have been authorized by general law for cities or boroughs of its population class. A municipal legislative body or charter commission pro-

posing charter repeal shall also, by resolution of that body, determine when the transition to the new form of government shall take place in the event of repeal and make such other provisions as may be appropriate to effect an orderly transition from home rule charter to non-home rule charter status.

(i) At least thirty days before an election thereon, notice shall be given by publication in a newspaper of general circulation within the city or borough that copies of a proposed charter, charter amendment or repeal proposition and resolution are on file in the office of the chief recording officer of the legislative body of the city or borough, and that a copy will be furnished by him to any qualified elector or taxpayer of the city or borough upon request.

(j) The qualified electors of a city or borough shall not elect a charter commission more often than once in four years.

For Historical Note and Comments, see pages 50-55.

C 1.20—Amendment of Constitution

A JOINT RESOLUTION

Proposing an amendment to article eighteen, section one of the Constitution of the Commonwealth of Pennsylvania, changing the method of amending the Constitution.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article eighteen, section one of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 1. Amendments to this constitution may be proposed in the Senate or House of Representatives at any regular session of the General Assembly. If agreed to by a majority of the members elected to each House, they shall be entered on their journals with the yeas and nays taken thereon; and the official charged with the duty of administering statewide elections shall publish each amendment three months before the next general or municipal election in at least two newspapers in every county in which such newspapers are published. If at the next regular session of the General Assembly the proposed amendment is agreed to by a majority of the members elected to each House, the official charged with the duty of administering statewide elections shall again and in like manner publish the proposed amendment; and it shall be submitted to the qualified electors of the Commonwealth in such manner and at such time, at least three months after being agreed to for the second time by both Houses, as the General Assembly prescribes. If an amendment is approved by a majority of those voting thereon, it shall become part of this Constitution. After an amendment has been once submitted and not approved, it or one substantially related, shall not again be submitted until a period of five years has elapsed. When two or more amendments are submitted, they shall be voted on separately.

For Historical Note and Comments, see pages 56-57.

DRAFTS OF JOINT RESOLUTIONS

Class 2 Changes

Class 2 changes are those recommendations for amendment which the Commission deems very desirable, but which are not vital for the efficient conduct of the state government.

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C 2.1—Information in Indictable Cases

A JOINT RESOLUTION

Proposing an amendment to article one, section ten of the Constitution of the Commonwealth of Pennsylvania, removing prohibition against proceeding by information for indictable offenses.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article one, section ten of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 10. No person shall, for the same offense, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured.

For Historical Note and Comments, see page 60.

C 2.2—Members of General Assembly, Disqualifications

A JOINT RESOLUTION

Proposing an amendment to article two, section six of the Constitution of the Commonwealth of Pennsylvania, imposing additional disqualifications on Senators and Representatives.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article two, section six of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 6. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office or employment under this Commonwealth to which a salary, fee or prerequisite is attached. No member of Congress or other person holding any office (except of attorney-at-law or in the militia) under the United States or this Commonwealth or any political subdivision thereof, to which a salary, fee or prerequisite is attached, shall be a member of either House during his continuance in office.

Schedule

That no inconvenience shall arise from the change in the Constitution of the Commonwealth, and in order to carry the same into complete operation, it is declared that:

This amendment does not apply to Senators or Representatives heretofore elected, during the balance of the term for which they have been elected, nor to any person elected to either the Senate or House of Representatives at the same election at which this amendment is adopted, during the term for which he is then elected.

For Historical Note and Comments, see page 61.

C 2.3—Bills to Codify Existing Law

A JOINT RESOLUTION

Proposing an amendment to article three, section three of the Constitution of the Commonwealth of Pennsylvania, permitting bills to codify existing law to contain more than one subject.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article three, section three of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 3. No bill, except general appropriation bills and bills codifying existing law, shall be passed containing more than one subject, which shall be clearly expressed in its title.

For Historical Note and Comments, see page 62.

C 2.4—Bills, Procedure

A JOINT RESOLUTION

Proposing an amendment to article three, section four of the Constitution of the Commonwealth of Pennsylvania, changing the procedure on the passage of bills.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article three, section four of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 4. Every bill shall be considered on three different days in each House. All amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill. No bill shall become a law, unless on its final passage the vote is taken by yeas and nays, the names of the persons voting for and against it are entered on the journal, and a majority of the members elected to each House is recorded thereon as voting in its favor.

For Historical Note and Comments, see pages 62-63.

C 2.5—Commonwealth Purchases

A JOINT RESOLUTION

Proposing an amendment to article three, section twelve of the Constitution of the Commonwealth of Pennsylvania, regulating Commonwealth purchases.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article three, section twelve of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 12. All purchases made by the government of this Commonwealth shall so far as practicable be made under a system of competitive bidding. No member or officer of any department of the government shall be in any way interested in Commonwealth purchase contracts and all such contracts shall be subjected to the approval of the Auditor General.

For Historical Note and Comments, see page 64.

C 2.6—Cash Refunds Without Appropriation

A JOINT RESOLUTION

Proposing an amendment to article three, section sixteen of the Constitution of the Commonwealth of Pennsylvania, authorizing cash refunds without appropriation in certain cases.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article three, section sixteen of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 16. No money shall be paid out of the treasury except on appropriations made by law, and on warrant issued by the proper officer; but cash refunds of taxes, licenses, fees and other charges paid or collected but not legally due may be paid as provided by law, without appropriation, from the fund into which they were paid, on warrant of the proper officer.

For Historical Note and Comments, see page 65.

C 2.7—Appropriations to Charitable and Educational Institutions

A JOINT RESOLUTION

Proposing an amendment to article three of the Constitution of the Commonwealth of Pennsylvania, repealing section seventeen thereof, which requires a two-thirds vote to make appropriations to certain charitable and educational institutions.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article three of the Constitution of the Commonwealth of Pennsylvania be amended by repealing section seventeen thereof, which reads:

"Section 17. No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House."

For Historical Note and Comments see page 66.

C 2.8—Delegation of Municipal Power

A JOINT RESOLUTION

Proposing an amendment to article three of the Constitution of the Commonwealth of Pennsylvania, repealing section twenty thereof, which prohibits delegation of municipal functions to special commissions, private corporations or associations.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article three of the Constitution of the Commonwealth of Pennsylvania be amended by repealing section twenty thereof, which reads:

"Section 20. The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever."

For Historical Note and Comments, see page 66.

C 2.9—Constitutional Officers; Confirmation of Appointment

Proposing an amendment to articles four, six, and seventeen of the Constitution of the Commonwealth of Pennsylvania, removing the Secretary of the Commonwealth, Secretary of Internal Affairs and Superintendent of Public Instruction as constitutional officers; and permitting confirmation of appointments by a simple majority of the Senate.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitu-

tion of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article four, sections one and eight of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 1. The Executive Department of this Commonwealth shall consist of a Governor, Lieutenant Governor, Attorney General, Auditor General and State Treasurer and such other officers as the General Assembly may from time to time prescribe.

Section 8. (a) The Governor shall, with the consent of a majority of the members elected to the Senate, appoint an Attorney General and other officers authorized by the General Assembly.

(b) He may, during the recess of the Senate, fill vacancies happening in offices to which he appoints by granting commissions expiring at the end of its session. He may, during the recess of the Senate, fill vacancies happening in the office of Auditor General or State Treasurer, in a judicial office or in any other elective office he is authorized to fill. If the vacancy happens during the session of the Senate, he shall nominate to the Senate, before its final adjournment, a proper person to fill the vacancy. In the case of a vacancy in an elective office, except in a judicial office, a person shall be elected to the office on the next election day appropriate to the office, unless the vacancy happens within two calendar months immediately preceding the election day, in which case the election shall be held on the second succeeding election day appropriate to the office.

(c) In acting on executive nominations, the Senate shall sit with open doors. The vote shall be taken by yeas and nays, and shall be entered on the journal.

That article six, section four of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 4. All officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed on conviction of misbehavior in office or of any infamous crime. Appointed officers, other than judges of the courts of record, may be removed at the pleasure of the power by which they shall have been appointed. All officers elected by the people, except Governor, Lieutenant Governor, members of the General Assembly and judges of the courts of record learned in the law, shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the members elected to the Senate.

That article four, sections eighteen, nineteen and twenty of the Constitution of the Commonwealth of Pennsylvania, which read:

"Section 18. The Secretary of the Commonwealth shall keep a record of all official acts and proceedings of the Governor, and when required lay the same with all papers, minutes and vouchers relating thereto, before either branch of the General Assembly, and perform such other duties as may be enjoined upon him by law.

"Section 19. The Secretary of Internal Affairs shall exercise all the powers and perform all the duties of the Surveyor General, subject to such changes as shall be made by law. His department shall embrace a bureau of industrial statistics, and he shall discharge such duties relating to corporations, to the charitable institutions,

the agricultural, manufacturing, mining, mineral, timber and other material or business interests of the State as may be prescribed by law. He shall annually, and at such other times as may be required by law, make report to the General Assembly.

"Section 20. The Superintendent of Public Instruction shall exercise all the powers and perform all the duties of the Superintendent of Common Schools, subject to such changes be repealed as shall be made by law."

That article four, section twenty-one of the Constitution of the Commonwealth of Pennsylvania, which reads:

"Section 21. The terms of the Secretary of Internal Affairs, the Auditor General, and the State Treasurer shall each be four years; and they shall be chosen by the qualified electors of the State at general elections; but a State Treasurer, elected in the year one thousand nine hundred and nine, shall serve for three years, and his successor shall be elected at the general election in the year one thousand nine hundred and twelve, and in every fourth year thereafter. No person elected to the office of Auditor General or State Treasurer shall be capable of holding the same office for two consecutive terms."

be repealed in so far as it fixes the term of the Secretary of Internal Affairs.

That article seventeen, section eleven of the Constitution of the Commonwealth of Pennsylvania, which reads:

"Section 11. The existing powers and duties of the Auditor General in regard to railroads, canals and other transportation companies, except as to their accounts, are hereby transferred to the Secretary of Internal Affairs, who shall have a general supervision over them, subject to such regulations and alterations as shall be provided by law; and, in addition to the annual reports now required to be made, said Secretary may require special reports at any time upon any subject relating to the business of said companies from any officer or officers thereof."

be repealed.

Schedule

That no inconvenience shall arise from the change in the Constitution of the Commonwealth, and in order to carry the same into complete operation, it is declared that:

All existing statutes affecting the Secretary of the Commonwealth, the Secretary of Internal Affairs or the Superintendent of Public Instruction shall continue in force until changed by the General Assembly.

The Secretary of Internal Affairs and the Superintendent of Public Instruction in office at the adoption of this amendment shall continue in their respective offices until the end of the term for which they were elected or appointed.

For Historical Note and Comments, see pages 67, 69-72 and 76.

C 2.10—Auditor General and State Treasurer; Succession

A JOINT RESOLUTION

Proposing an amendment to article four, section twenty-one of the Constitution of the Commonwealth of Pennsylvania, permitting the Auditor General and State Treasurer to succeed themselves for one additional term.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article four section twenty-one of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 21. The terms of the Auditor General and the State Treasurer shall each be four years from the third Tuesday of January next following his election. They shall be chosen by the qualified electors of this Commonwealth at general elections. Except for the Auditor General and State Treasurer who may be in office when this amendment is adopted, they shall be eligible to succeed themselves for one additional term.

Schedule

That no inconvenience may arise from the change in the Constitution of the Commonwealth, and in order to carry it into complete operation, it is declared that:

The Auditor General and State Treasurer who may be in office when this amendment is adopted shall serve until the end of the term for which they were elected. The terms of the Auditor General and State Treasurer first elected after this amendment is adopted, or who are elected at the same election at which this amendment is adopted shall begin at the end of the terms of the Auditor General and State Treasurer then in office.

For Historical Note and Comments, see page 71.

C 2.11—Commonwealth Reserve Funds

A JOINT RESOLUTION

Proposing an amendment to article nine of the Constitution of the Commonwealth of Pennsylvania, repealing section thirteen thereof, which limits Commonwealth reserve funds.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article nine of the Constitution of the Commonwealth of Pennsylvania be amended by repealing section thirteen thereof, which reads:

"Section 13. The moneys held as necessary reserve shall be limited by law to the amount required for current expenses, and shall be secured and kept as may be provided by law. Monthly statements shall be published showing the mount of such moneys, where the same are deposited, and how secured."

For Historical Note and Comments, see page 73.

C 2.12—Philadelphia, Abolishing County Offices

A JOINT RESOLUTION

Proposing an amendment to article fourteen, section eight of the Constitution of the Commonwealth of Pennsylvania, revising the procedure for abolishing county offices in Philadelphia.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed

in accordance with the provisions of the eighteenth article thereof:

That article fourteen, section eight of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 8. (a) In Philadelphia all county offices are abolished. The city shall perform all functions of county government within its area.

(b) Local and special laws with respect to powers granted to the City of Philadelphia shall be valid notwithstanding the provisions of article three, section seven of this Constitution.

(c) All laws applicable to the County of Philadelphia shall apply to the City of Philadelphia.

(d) The City of Philadelphia shall have, assume and take over all powers, property, obligations and indebtedness of the County of Philadelphia.

(e) The provisions of article fifteen of this Constitution shall apply with full force and effect to the functions of the county government performed by the city.

(f) All officers performing functions of county government shall be officers of the City of Philadelphia. Until otherwise provided by the City of Philadelphia through amendment to the Philadelphia Home Rule Charter, they shall continue to perform their duties and be elected, appointed, compensated and organized in the manner now in effect.

For Historical Note and Comments, see page 73.

C 2.13—Corporate Charters, Amendment and Repeal

A JOINT RESOLUTION

Proposing an amendment to articles three and sixteen of the Constitution of the Commonwealth of Pennsylvania, authorizing the amendment, repeal and revoking of laws affecting corporate charters.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article three, section seven, clause twenty-five of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 7. The General Assembly shall not pass any local or special law:

(25) Creating corporations or amending, renewing or extending the charters thereof, except as provided in article sixteen.

That article sixteen, section ten of the Constitution of the Commonwealth of Pennsylvania be amended to read:

Section 10. All charters of private corporation now existing and revocable at the adoption of this amendment may be altered, revoked or annulled, if in the opinion of the General Assembly they may be injurious to the citizens of this Commonwealth, in such manner that no injustice shall be done to the incorporators. All laws heretofore or hereafter adopted by the General Assembly dealing with the formation and regulation of private corporations and prescribing the powers, rights, duties and liabilities of private corporations, their officers, and shareholders, may be amended, repealed or revoked.

For Historical Note and Comments, see pages 63 and 74.

C 2.14—Amendment by Indirect Initiative

A JOINT RESOLUTION

Proposing an amendment to article eighteen of the Constitution of the Commonwealth of Pennsylvania, providing for amendment of the Constitution by indirect referendum.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article eighteen of the Constitution of the Commonwealth of Pennsylvania be amended by adding a new section to read:

Section 2. Amendments to this Constitution may be proposed by petition, signed by a number of qualified electors equal to five per cent of the total number of votes cast for Governor at the last preceding gubernatorial election, and filed with the official charged with the duty of administering statewide elections. Each petition shall set forth the full text of the amendment proposed, and shall be verified by the affidavit of the persons soliciting the signatures. The official shall transmit the petition to the General Assembly, when in session, or as soon as it convenes. If an amendment proposed by petition is agreed to by a majority of the members elected to each House, it shall be advertised and submitted to the qualified electors of the Commonwealth as provided in section one of this article as though it had been agreed to by two succeeding regular sessions of the General Assembly. If (1) the proposed amendment is rejected, or (2) it is agreed to in an amended form, or (3) no action is taken thereon within four months from the time it is received by the General Assembly, if the General Assembly is in session so long, and, if not, then within four months after the convening of the next regular session of the General Assembly; and if so demanded by supplementary petition signed by a number of qualified electors equal to ten per cent of the total number of votes cast for Governor at the last preceding gubernatorial election, the proposed amendment shall be submitted to the qualified electors in a manner and at a time prescribed by the General Assembly. The supplementary petition shall be filed with the official charged with the duty of administering statewide elections within six months (1) after the proposed amendment was rejected by the General Assembly, or (2) after the expiration of the four months herein provided for action on the petition by the General Assembly, if no action has been taken thereon, or (3) after the proposed amendment, as amended by the General Assembly, has been filed with the proper official. The proposed amendment shall be advertised and submitted to the qualified electors of the Commonwealth as provided in section one of this article in the form prescribed by the supplementary petition, which shall be either as first petitioned for or with any amendments incorporated therein by either House or by both Houses of the General Assembly. If the proposed amendment is approved by a majority of the qualified electors voting thereon, it shall become a part of this Constitution. All petitions shall be in the form provided by law for nomination petitions, unless otherwise provided by law.

For Historical Note and Comments, see page 76.

C 2.15—Periodic Review of Constitution

A JOINT RESOLUTION

Proposing an amendment to article eighteen of the Constitution of the Commonwealth of Pennsylvania, providing for periodic reviews of the Constitution.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That article eighteen of the Constitution of the Commonwealth of Pennsylvania be amended by adding a new section to read:

Section 3. In the year nineteen hundred seventy-three and every fifteenth year thereafter, the provisions of this Constitution shall be studied and reviewed in the light of contemporary conditions and the anticipated problems and needs of the people of this Commonwealth. The General Assembly shall provide for a commission to perform the work.

For Historical Note and Comments, see page 78.
Land Title Registration

AN ACT

Assigning an article and section number to a section of the Constitution of the Commonwealth of Pennsylvania added thereto without designating its position therein.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The section added to the constitution of the Commonwealth of Pennsylvania by amendment adopted November 2, 1915, which reads:

"Laws may be passed provided for a system of registering, transferring, insuring of and guaranteeing land titles by the State, or by the counties thereof, and for settling and determining adverse or other claims to and interest in lands and titles to which are so registered, transferred, insured and guaranteed; and for the creation and collection of indemnity funds; and for carrying the system and powers hereby provided for into effect by such existing courts as may be designated by the Legislature, and by the establishment of such new courts as may be deemed necessary. In matters arising in and under the operation of such system, judicial powers, with right of appeal, may be conferred by the Legislature upon county recorders and upon other officers by it designated. Such laws may provide for continuing the registering, transferring, insuring and guaranteeing, such titles after the first or original registration has been perfected by the court, and provision may be made for raising the necessary funds for expenses and salaries of officers which shall be paid out of the treasury of the several counties."

and for which no article or section number was designated, shall be known as "Article III, Section 35 of the Constitution of the Commonwealth of Pennsylvania."

Section 2. This act shall take effect immediately.

For Note, see pages 104-105.

MINORITY STATEMENTS

MINORITY REPORT IN SUPPORT OF GENERAL REVISION OF THE STATE CONSTITUTION

The majority of the members of this Commission have

voted that the best way to effect needed changes in the Constitution is by the process of amendment. We, the signers of this minority report, are compelled to dissent from that recommendation. It is our conclusion, in brief, not only that there is a great need for general revision of the Constitution of the Commonwealth, but also that the basic work of this Commission clearly demonstrates that need. We are strongly of the opinion that, in the light of contemporary conditions and the anticipated problems and needs of the people of the Commonwealth, a general revision not only is in order but also is long overdue.

We are glad to note, at the outset of this statement, that the Commission on Constitutional Revision has embraced a considerable number of significant proposals for change in the Constitution. Those proposals include, among other things, unrestricted annual sessions of the General Assembly, eligibility of an incumbent to a second term as Governor and the Pennsylvania plan for the selection of judges. These are constructive recommendations, but simply to put them and others forward separately falls far short of what is needed.

There is a wide recognition, in the minds of thoughtful students of public affairs, of the inadequacies of state constitutions generally to meet the challenge of our times and of the years ahead. This was pointed out very forcefully by the Commission on Intergovernmental Relations, which submitted its report to the President in June, 1955. The following excerpt from the report is particularly pertinent.

Early in its study, the Commission was confronted with the fact that many State constitutions restrict the scope, effectiveness, and adaptability of State and local action. These self-imposed constitutional limitations make it difficult for many States to perform all of the services their citizens require, and consequently have frequently been the underlying cause of State and municipal pleas for Federal assistance.

It is significant that the Constitution prepared by the Founding Fathers, with its broad grants of authority and avoidance of legislative detail, has withstood the test of time far better than the constitutions later adopted by the States. A due regard for the need for stability in government requires adherence to basic constitutional principles until strong and persistent public policy requires a change. A dynamic society requires a constant review of legislative detail to meet changing conditions and circumstances.

The Commission finds a very real and pressing need for the States to improve their constitutions. A number of States recently have taken energetic action to rewrite outmoded charters. In these States this action has been regarded as a first step in the program to achieve the flexibility required to meet the modern needs of their citizens.

A principal reason that the state governments have not been playing a more effective role in the Federal system is the failure of the states to strengthen state governmental institutions and processes. We are convinced that the needed strengthening cannot be achieved by a piecemeal attack on the problem. We believe that we can make this clear in a relatively short statement. Looking specifically to the Constitution of this Commonwealth, one finds conspicuous evidence that the Constitution of 1874 was anything but a flexible, basic charter of government. It was

plainly a reflection of the times. In the 1870s the people of the state were keenly concerned about problems of corruption in government, which, unhappily, were a mark of the times. This resulted in the making in the Constitution itself of many rather detailed policy decisions, which were designed to cope with them contemporary problems, but which have no necessary relevance to this day. This Commission has recognized that there are a great many sections of the Constitution which are outmoded and should be eliminated. The point, however, goes deeper than this; the Constitution of 1874 is characterized by a kind of distrust of government and a tendency toward rigidity in structure and authority, which is not conducive to a healthy climate of public administration and does not afford the flexibility for the development of strong and effective governmental institutions. It is in marked contrast with the Constitution of the United States in this respect. The latter is a relatively simple document, which, for the most part, is couched in broad terms and is not grudging in the provision of governmental authority in keeping with responsibility.

The need of revision of the Pennsylvania Constitution has been aggravated rather than otherwise by the considerable piecemeal amendment which has taken place over the years. The people of the state have added some 59 amendments. Many of these amendments have, of course, involved very important matters and have been most needful. The overall effect, nonetheless, has been to increase the amount of ephemeral detail in the Constitution, to increase the rigidity of the document and to make the Constitution, as a whole, more a patchwork and less a coherent basic charter of government. Thus, the need of revision has been increased.

The point has been repeatedly urged by opponents of revision that a number of efforts have been made in the past to achieve revision without any success, which is to be taken as an indication that the cause is hopeless. We are not at all impressed with this reasoning. We see no basis for the impression that Pennsylvania is different in this respect from other states, several of which have adopted new constitutions in comparatively recent years. That some previous attempts were unsuccessful is no criterion as a present guide because the last few decades have evolved more changes in our body politic and in economic and social conditions than in any previous period in the history of our Commonwealth. In our view, the people of Pennsylvania, once adequately informed on the subject, will be found entirely willing to replace the present antiquated instrument of government with a well-conceived, flexible, organic law, which is fully responsive to the needs of our increasingly complex society.

The work of this Commission strongly supports the case for revision. The Commission's report lists in all 123 recommendations for amendment,—to say nothing of several others that might well have been adopted. If all of the recommendations of the Commission are taken into account, we have what amounts to proposals for substantial revision of the executive article, the judicial article, the article on county officers, the article on cities, the article on private corporations, and the article on amendments as well as for repeal of the article on railroads and canals—all this in addition to numerous proposals for change in other articles.

It is true that an attempt is made to grade the proposals

in different classes of "critically needed" and "very desirable." This, however, is obviously a more or less fanciful and arbitrary classification, there being, necessarily, various degrees both of "critical need" and "great desirability," so that these are, at best, merely relative and not absolute terms. And the question naturally arises,—since all of the recommendations are admittedly at least to some extent desirable,—for what good reason should they not all be adopted, which, because of their number, can, as a practical matter, be accomplished only by a general constitutional revision? Indeed, even if only the "first class,"—the 33 so-called critically needed amendments,—were to be considered, they are far too numerous to make it realistically possible to submit them to the electorate through the amendatory process. Moreover, if they are critically needed it must be borne in mind that that process requires action by two legislatures preceding the vote of the people, involving a delay of at least three or four years, whereas a general revision could probably be accomplished in half that time.

The fact is that our Constitution, which is now 85 years old, is an antiquated instrument of government, utterly inadequate for present needs. We would, therefore, urge that the Legislature provide the necessary machinery for obtaining a general revision of the Constitution rather than for piecemeal amendments, whether 33 or 123 in number.

Respectfully submitted,
Genevieve Blatt
Richardson Dilworth
Jefferson B. Fordham
Harriet McGeehan

Horace Stern

I wish to say a word about my vote for general constitutional revision.

Having listened to a great many expressions of opinion, both in our Commission's hearings and elsewhere, I do not believe there is any real possibility of getting approval for a constitutional convention in Pennsylvania in the immediate future. Because of this, I agree with the majority that if early improvement is to be made in the constitution, the addition of some amendments holds the more promise.

I voted with the minority in favor of a constitutional convention, however, in order to place on the record my belief that the more thorough job of revision which is needed can not come about until the citizens vote for a convention.

M. Nelson McGeary

REAPPORTIONMENT

(Art. II, Sec. 18)

We have reluctantly concurred in the recommendation of the majority regarding the amendment of this section.

It is our firm belief, however, that it would be much preferable to provide an alternate non-legislative means for effecting reapportionment if the General Assembly fails to act.

We agree that members of the General Assembly would be under strong moral pressure to reapportion in a special session, if one had to be called. If, however, they should resist such pressure and still refuse to act, there would be no reapportionment. In our opinion, the threat of action

by come non-legislative body such as a bi-partisan commission appointed by the Governor or by the Supreme Court, or by both acting together, would produce better and surer results.

If the amendment hopefully suggested by the Commission proves ineffective, as we fear it may, we would urge further amendment along the lines we have herein suggested.

Genevieve Blatt
Richardson Dilworth

SUCCESSION BY THE GOVERNOR

(Art. IV, Sec. 3)

We dissent from the Commission's recommendation because, in our opinion, the possibility of succession should not be limited to one additional term.

It seems to us that the experience of the Federal Government, which is now operating under a limited succession amendment insofar as the Presidency is concerned, is ample and current evidence that the efficiency of the chief executive office becomes increasingly more handicapped as the time approaches when the term of that executive must end. In order to maintain maximum efficiency throughout the chief executive's term of office, it seems to us that the possibility should always exist that he might succeed himself, if he so desires and if the voters so decide.

We believe that the voters will retire from office any chief executive who has ceased to render service in accordance with the will of the majority of the people. They may do this at the end of his first term, or at the end of any succeeding term, but they should still have the power to keep him in office for as many terms as they may desire.

Genevieve Blatt
Richardson Dilworth

STATE TREASURER

(Art. IV, Secs. 1, 21)

We dissent from the recommendation of the majority of the Commission that the office of State Treasurer be continued as a constitutional, elective office.

In our opinion, the State Treasurer has come to be a banking and bookkeeping agent only, without the policy-making and other fiscal duties which may previously have justified his constitutional, elective status.

The actual collection of state funds is now handled by the Secretary of Revenue. Appropriations are made on the order of the department concerned, subject to the approval of the Auditor General. Thus, the State Treasurer merely stands in an intermediate position as the custodian and investor of state funds after their collection by one official and until their expenditure subject to the approval of another. It seems to us that he might well be appointed by the Governor. It also seems to us that, in time, the more efficient and economical operation of the state fiscal system might indicate the propriety of abolishing the office and letting the Secretary of Revenue and the Auditor General divide its functions. This, however, could not be done if there are constitutional provision establishing the office and requiring its elective status and prescribing its duties.

Genevieve Blatt
Richardson Dilworth
Philip Price

SELECTION OF JUDGES

(Art. 5, Sec. 25)

In Pennsylvania the people elect their judges. The majority of the Commission is apparently of the opinion that the people make so many mistakes, that the right to choose their judges should be taken away from them. The Commission recommends the adoption of what is substantially the "Missouri Plan," renamed by its advocates as the "Pennsylvania Plan."

Under the plan, the governor, the lawyers, the judiciary and a citizens' group are all to have a hand in the selection of judges. The electorate is to have a voice only in rejecting them.

In reality, the plan provides for the appointment instead of the election of judges. All judges are to be appointed by the Governor. In theory, the Governor is to choose the appointee from a list given him by a commission composed of three citizens appointed by him, and a judge and three lawyers chosen under rules prescribed by the Supreme Court. In actuality, under the plan the Governor may appoint whomever he pleases, for he can continue to reject the Commission's suggestions until he is given the name of the person whom he desires to appoint. Of course, the Governor is free to consult whomever he wishes and to accept the recommendations of whomever he pleases. He will not even have the "check" of confirmation by the Senate, which he now has in case of interim judicial appointments made when the Senate is in session.

It is argued that the plan works in Missouri, (although there can be found those who question that). But, what will happen in Pennsylvania can best be determined from what has happened here. Pennsylvania officials and politicians have proven themselves capable of adjusting to new procedures in government, whatever they may have been.

There is every indication that governors will continue to appoint judges from members of their own party. Presidents of the United States have made only token judicial appointments of persons not affiliated with their own party. Governors of Pennsylvania have not even made token interim judicial appointments of persons outside their own political party. The electorate of Pennsylvania has a better record of crossing party lines in selecting judges than have either presidents or governors.

In most judicial districts the election of a judge engenders as much genuine interest as the election of any official, state or national. If the people of Philadelphia look upon the election of their judges as a matter subordinate to the election of other officials, that is a matter peculiar to Philadelphia.

To suggest that the electorate is not competent to choose judges is not to attack the present method of choosing judges, but to attack democracy itself.

Under the plan the people have no part in the selection, but only in the rejection of judges. There is no way for an individual, or a segment, or even a majority of the voters to bring a candidate before the electorate—that power rests solely with the Governor. A lawyer is denied the right to submit his name to the people as a candidate for judge regardless of how many voters' signatures he could obtain on a petition.

No one can predict the approximate percentage of rejections by the electorate on a "Yes" or "No" vote, for we have no precedents. This type of voting is foreign to us;

it is a procedure copied from a different type of "democracy." However, it is reasonable to assume there would be virtually no rejections. Where officials are "elected" on a "Yes" or "No" vote, approval is nearly unanimous. "You cannot lick somebody with nobody," is a tried and accepted political slogan, even in America.

The qualifications of officials are best determined by comparisons. Without a contest between different people these comparisons are not made. Those who would be willing to point out the superior qualifications of a competing candidate, are likely to remain silent rather than be put in the position of attacking a judge, even though they know he lacks the necessary qualifications.

But let us assume that, contrary to our expectations, the electorate would take to rejecting a substantial number of judges. The result would be equally unfortunate. Able and established lawyers who might under the present system, be persuaded to run for a judicial position while still retaining their practice until assured of a ten year term, could not be persuaded to give up their practice for a 1½ to 2¼ year appointment, if there were a substantial chance of rejection at the end of such period. To be defeated by another lawyer for a judgeship is a risk a qualified lawyer might be willing to take, but to be rejected by the electorate as unfit would be a disgrace no respected lawyer would wish to chance.

There is greater delay in filling judicial vacancies under the federal appointive system than under our state elective system. The reverse would be true if Pennsylvania adopted the plan. Choosing the member of the Commission, having a majority of them agree upon three names to be submitted, and then having the Governor choose one from the list will be time consuming. The Governor might reject the list, once, twice or oftener. This could go on for years as neither the Commission nor the Governor are required to act within any definite time. There is no reason to assume that a Governor would act on the list more promptly than he now acts on recommendations of bar associations and political leaders. Furthermore, under the plan the Governor is not "prodded" by the practical consideration of a convening or adjourning Senate, or an approaching judicial election.

The creation of needed judgeships is more frequently postponed under the federal appointive system than under the state elective system. When the legislature and the executive are of different political parties there is a tendency to postpone the creation of new judgeships in order to deny the executive opportunities to appoint. The tendency is not as marked when judges are elected, as they are in Pennsylvania.

Taking from the people the right to choose their own judges will not improve the administration of law. It will not take politics out of either the appointment, or the "election" to which every judge will be subjected. It has "built in" machinery which will increase the delays in filling vacancies, and creating needed judgeships. It will discourage rather than encourage qualified lawyers to seek judicial office.

Milton G. Baker
Matthew A. Crawford
Robert D. Fleming
Gwendolyn W. MacCartney
O. Jacob Tallman

Edwin W. Tompkins
Robert E. Woodside

UNIFORMITY OF TAXATION

(Art. IX, Sec. 1)

The failure of the majority of the Commission to recommend amendment of this section is, in our opinion, a serious mistake. It is an omission which may vitiate much of the hard work done by the Commission in pointing out other but less fundamental modernizations of our basic law.

The greatest need of this Commonwealth, it seems to us, is a tax system which is sufficiently flexible to raise enough revenue to meet the Commonwealth's needs without unreasonable hardship on any taxpayer. Yet such a system, based on the well reorganized principle of "ability to pay," is probably impossible under this section.

Tax laws which permit neither graduation nor exemption work great hardships on many taxpayers, and impose far too great a proportionate share of the tax burden on people of limited means. Such tax laws, however—flat income taxes, sales taxes and various kinds of uniformly levied excise taxes—are inevitable under this section.

Adoption of an amendment which would permit the graduation of taxes and certain exemptions would obviously and certainly not require the enactment of non-uniform taxes; it would still be for the General Assembly to decide when and if such taxes should be levied. Nor would adoption of such an amendment of itself provide exemptions or graduations in any tax laws, such as are now provided by the federal government and several other states; it would, again, be for the General Assembly to say when and if any such exemption or graduation should be allowed.

Amendment of this section would, in our opinion, remove the shackles which have prevented the General Assembly from enacting modern and adequate tax legislation in the past. It would likewise leave the General Assembly free to modernize Pennsylvania's tax structure as future needs and conditions may require.

Genevieve Blatt
Richardson Dilworth
Harriet McGeehan

I agree that the present requirement of uniformity in taxes is too inflexible.

If the General Assembly voted an income tax, for example, it should be able to say that of two men with incomes of \$10,000, the one with a wife and five children (three of them in college) should not have to pay as heavy a tax as the one who was a bachelor.

M. Nelson McGeary

LIEUTENANT GOVERNOR

(Art. 4, Sec. 4)

I have reluctantly concurred in the Commission's decision to recommend no change in regard to the office of Lieutenant-Governor, but I would have strongly preferred to see this office abolished. Its fundamental purpose is to provide a successor to the Governor, in the event of the Governor's resignation, death or removal from office, but the new Alaska and New Jersey Constitutions, for example,

provide for succession by another official, and I think such succession would be just as suitable. The prescribed functions of the Lieutenant-Governor, to preside over the Senate and to act as Chairman of the Board of Pardons, could easily be handled by others. The Senate could elect its own presiding officer, as the House of Representatives does, and some other member of the Board of Pardons could certainly be designated as Chairman.

Genevieve Blatt

APPROPRIATIONS FOR PUPIL TRANSPORTATION

(Art. 10, Sec. 2)

Although I concur with the majority opinion of the Commission that this section does not necessarily have to be changed to permit transportation of any school children in a public school-bus, whether or not such children attend a public school—there being no clear prohibition herein of such action—I would prefer to see the Constitution state in positive terms that the provision of transportation service for any schoolage child to any accredited school in a public school-bus is permissible.

Parents who pay the required school taxes, and who see that their children attend schools accredited by the state, should not be denied transportation which is provided for some school children just because they have chosen to enroll their children in an accredited but non-public school. Transportation is a service for the child and its parents, not support for the school which a child attends, and it seems to me that a clear statement to that effect would be desirable.

The General Assembly or local government legislative bodies might or might not want to provide such transportation, but it seems to me that the decision should be left to these agencies, without possibility of constitutional prohibition.

Genevieve Blatt

HOME RULE FOR TOWNSHIPS

(Art. 15)

I strongly support the proposed grant of Home Rule powers to cities and boroughs and the other recommendations made in this Article regarding the government of cities and boroughs, but I feel that similar provisions should be made for townships.

Some townships are larger than some cities and many boroughs. Some are so large that they would rank among the most heavily populated local government areas in the state. I can see no reason for denying these townships any governmental privileges allowed the cities and boroughs, particularly in relation to Home Rule, nor can I see any reason for not allowing such privileges to all townships, even small ones.

It is the opinion of the majority of the Commission that to give townships these privileges might lead to a bewildering diversity of township government and such lack of uniformity that any state-wide statistics regarding township activity would be practically impossible to assemble, and any state-wide controls almost impossible to enforce. It seems to me that this fear would apply equally well in relation to cities and boroughs, and, if a diversity

is to be tolerated in regard to cities and boroughs, it might equally well be tolerated in regard to townships.

Genevieve Blatt

A STATEMENT BY THE HONORABLES RICHARDSON DILWORTH AND JEFFERSON B. FORDHAM

In filing this separate minority report, we have one major general point and several specific points to make.

The general observation is a brief statement of our philosophy of constitutionalism.

We think of a constitution as an organic instrument which should provide a basic charter of government with a minimum of detail. At this stage in the development of our society, there is more compelling reason than ever before to embrace the organic conception. Life is so interdependent and change so rapid that we need great flexibility. To us this bespeaks a constitutional pattern, which leaves a maximum area of policy decision-making and power devolution to the legislative representatives of the people. In short, we should minimize the making of more or less specific policy decisions at the constitutional level and maximize such decision-making at the legislative level.

Our specific points refer largely to instances of the failure of the Commission to embrace the organic conception of a constitution. Instead of concentrating upon the revitalization of representative government with the flexibility of action demanded by the problems of our day, the Commission has indulged to a considerable extent in the unhappy business of proposing to perpetuate ephemeral policy decisions in the basic law. It has timidly eschewed bold, imaginative thinking and this at a time when, in the international realm, we are playing "for keeps" as to the very survival of the race. Tinkering with a detailed contemporary-minded constitution of the post Civil War period is hardly calculated to strengthen and invigorate state and local governmental institutions and processes for their great role in the Federal System.

The Legislative Branch—Unicameral Form

In undertaking to vitalize the legislature and to render it equal to the responsibilities of its key policy-making and power distribution role, we need to make a fresh start. The unicameral or single-chamber form would be structurally a fresh start of a dramatic character calculated to fix political and institutional responsibility and to make legislative processes more understandable to the people. The unicameral plan could be expected to add stature to membership. The operation of a bicameral legislature is diffuse and dilatory—something we would find quite insupportable in local government and in business organization.

The Legislative Branch—Unshackling as to Taxing and other Powers

The legislature should be freed from the limitations on its substantive powers (other than those in the Declaration of Rights), which abound in the constitution. Conspicuous among these is the requirement of uniformity of taxation, which has been interpreted to apply to all forms of taxation and that so restrictively that no personal exemption nor deduction for dependents can be made to the lowest paid wage-earner under a flat-rate income or wage tax. It is a commonplace that in many of our sister

states the constitutional uniformity clause applies only to ad valorem property taxation. Section 1 of Article IX of the Pennsylvania Constitution should be so amended as to render its uniformity clause applicable only to ad valorem property taxes. Beyond this, adequate protection for the individual is provided by the state Declaration of Rights and the Fourteenth Amendment.

The majority have been greatly concerned about state finance, so far as the borrowing power is concerned, but have failed to attack the more basic problem of taxation and revenue. Borrowing, be it remembered, is a way of anticipating future revenues. The state is faced with a grave revenue problem, nor is there any basis for predicting other than that the need for public revenue will increase as time passes. It is, then, a critically bad mistake to refuse to unshackle the legislature in revenue matters. We do not speak here for any particular form of taxation; we do insist that the legislature should have broad power of taxation, in the exercise of which it may take into account ability to pay as well as governmental benefits received, in order that sufficient money may be raised and the burden fairly distributed.

The majority would add a new limitation on legislative power in the form of a requirement of competitive bidding in state purchases. This is statute-level policy and we strongly object to its elevation to the constitutional plane.

The Executive Branch

In relation to the executive branch the majority have not followed through on the principle of focalizing responsibility and strengthening the hand of the governor. They would permit a particular individual to serve two terms as governor but no more. This is an expression of distrust in democratic processes which does not eliminate lame-duck status but defers it until a second term. There is a growing awareness that the two-term limit on the presidency is a mistake. We should not repeat it in Pennsylvania.

The majority would retain the office of state treasurer as a constitutional elective office, while relegating that of secretary of internal affairs to the statutory level. Neither should be a constitutional, elective office. The state treasurer's responsibilities are simply of a banking and bookkeeping character. These are administrative matters which call for an officer appointed by and responsible to the Governor.

The Judicial System

The Commission's proposals are fraught with detail as to the judicial system. In contrast with the Constitution of the United States, which directly creates only the Supreme Court, the Commission's proposals call for constitutional status for a whole array of courts down to and including magistrates courts, which last may be manned by laymen not learned in the law. We dissent from this. At the most, the constitutional courts should be the supreme court, the superior court and the courts of common pleas with authority in the legislature to provide such other courts as may be needful. There should be effective integration of the judicial system to be implemented under the administrative direction of the "Chief Justice of Pennsylvania." What is needed is a thorough

overhaul of the judicial system initiated by a constitutional convention.

Richardson Dilworth
Jefferson B. Fordham

A STATEMENT BY THE HONORABLE EDWIN W. TOMPKINS

A constitution may be classified as a fourth level of government in the nature of self-insurance created by the people as a protection from encroachments against them by the other three levels of government the Executive, Legislative and Judicial. It further serves to shield the people against hasty action taken at times when tempers run high and public feeling erupts. Because of the slow processes by which it may be amended or changed, it is an American concept of Government that compels us to count to ten before we act.

This I conceive to be the underlying reason why the people of this Commonwealth have on five separate occasions since 1874 rejected any general revision of their "insurance policy." It is true that they have authorized 59 amendments during that period, but many of them were for the purpose of creating debt for highway and bridge construction and for the payment of Veterans Bonuses.

Such terms as "antiquated" and "outmoded" have been and are being used to describe the Constitution of 1874. With such expressions I cannot agree. Although history assigns many and varied reasons for the adoption of some of the proposals contained in the 1874 Constitution, we still cannot and should not consign to oblivion the wisdom of its authors which has successfully piloted us across time, years and circumstances from an agrarian age and society through the industrial, machine, electronic, air and into the atomic and space age; and through several world upheavals to our present position, still intact as a free and independent people. It has preserved our precious liberties which I certainly hope are not considered "antiquated" and "outmoded."

When we recommended the addition of a new section to the Constitution providing:

"The provisions of this Constitution shall be studied and reviewed every fifteen years, in the light of contemporary conditions and the anticipated problems and needs of the people of this Commonwealth,"

I am compelled to recall the observation of Daniel T. Finkbeiner as expressed in his booklet "Pennsylvania Vote Trends in National and State Elections, 1856-1956" wherein he says:

"Attempts to 'outsmart' the constitution during the past quarter of a century seem to have become a popular exercise of the art of government. The natural question which now arises is, if constitutional doctrine is molded by necessity, what is the purpose of having a written constitution?"

Like the silken thread which runs through all the ropes of the British Navy are proposals in this report for all practical purposes abolishing elective officers and disenfranchising the people.

Article V—Section 25

This is the so called Pennsylvania Plan for the Selection of Judges. The proposal would commit to the hands of an

appointed Commission, in whose selection the people have no voice, to recommend who shall preside over our Courts.

The eventual choice would be in the hands of the Governor. "If none of the persons so nominated to the Governor is acceptable to him the Judicial Commission shall nominate successive panels of three persons until an appointment from a panel is made by the Governor."

In the hands of a politically partisan Governor, this weakness in the plan could be dangerously abused. The results could become more objectionable than the occasional selection by the people of a person who would prove to be mediocre.

Having joined with Honorable Robert E. Woodside and others in a minority report on this section, I will let that minority report speak for itself.

Article XIV—County Government

I must dissent from the recommendation contained in this Article.

Under Section 1, the recommendation would abolish the offices of sheriffs, coroners, prothonotaries, register of wills, recorders of deeds, commissioners, treasurers, surveyors, auditors or controllers clerks of the courts and district attorneys.

The recommendation would take away from the people the right to say who shall be their county officers and place the right in the General Assembly, who could at their political whim harass any county they saw fit.

As an alternate the recommendation authorizes what is termed an "optional" plan of government. This plan would take such form as the General Assembly would provide. County Government could and would exist only by the definition and direction of the General Assembly. The recommendation casts aside a long and well established system of County Government without offering any well defined substitute whatsoever—in marked contrast to the detailed recommendations for Philadelphia, and for borough and city governments.

The recommendations, in addition to casting aside all county government as we know and understand it, also provide for repeal of the residence and citizenship requirements of county employees; the maintainance of offices at the county seat; the compensation of county officers; the accountability of officers, and the minority representation of county commissioners and auditors.

Do the recommendations mean government by imported, trained social scientists? Will representative government through locally elected officials be destroyed? Will "we the people" dare to govern our own community affairs or sacrifice local autonomy to a super government of appointed officers as provided under "optional plans," "Charter Government" or so called "Home Rule?" Are we saying that the people no longer have the ability to govern themselves from among their own ranks, but rather only the "expert" can do it? Why, if the need requires, could not local government employ "experts" to assist in the operation of their government thereby keeping control in the hands of the people, rather than to abolish or subordinate the government in favor of the "expert" or "specialist."

I cannot consent to recommendations which have built into them the seeds of destruction of self government.

There should be no rush to change the finest govern-

ment the world has ever seen. The American form of government has given its citizens more liberty, more privileges, more security, more freedom of speech and action, greater wealth and prosperity than the government of any nation at any time in world history.

To commit the destiny of our form of Government to the shifting pressures of the General Assembly would be one of the tragedies of our history. While anchored to the rock of our Constitution over which only the people themselves have control, I will fear no danger.

Article XV—Home Rule for Cities and Boroughs

With that portion of the proposal of Article XV, Section 3(g) which provides that "... the selection, compensation, terms and conditions of service, removal and retirement of municipal personnel are of superior authority to statute ..." I am in hearty accord. It should not, however, be limited to charter government only but should extend to all forms of city and borough government.

Although the proposed Sections 1, 2 and 3 of this Article are quite lengthy and contain considerable detail, much of what has been said herein about County Government applies equally as well to cities and boroughs.

If we can honeycomb the operation and control of government at the local level with "excerpts" and "specialists" instead of operation and control by the people, it will be only a matter of time until it will reach itself upward into state and national Governments, and we shall witness Government of the people, by the people and for the people vanish from this earth.

I have nothing against experts and specialists. In today's economy and society they play an ever increasing important role and function. In the field of government their functions should be to advise, consult and recommend; not operate, dictate and control. Only the people themselves should operate and control, and any system that substitutes itself for the people is but destructive of the ends of self government.

Edwin W. Tompkins

A STATEMENT BY THE HONORABLE ROBERT E. WOODSIDE

It is not surprising that many different points of view were presented during the deliberation of the Commission and that we were frequently divided. I envisioned less need for change than some of the other Commissioners, and probably voted in the minority as frequently as any member of the Commission.

I deeply regret what I consider to be a basic inconsistency in the Commission's recommendations. Many students of government believe that our present Constitution is too long, made so primarily because it contains provisions which are legislative in nature. It was contended that these provisions should be removed and the Legislature entrusted with the responsibility of dealing with them as it sees fit. The Constitution, it was argued, should be limited to those provisions necessary to establish the basic structure of government.

Following this concept, the Commission recommended the removal from the Constitution of numerous provisions it deemed legislative in nature. Unfortunately, the Commission abandoned this concept when considering suggested changes in government which it deemed desirable.

The concepts of "trusting the legislature" and shortening the Constitution were ignored, as recommendations were adopted which added thousands of words to the Constitution and dealt with procedures in the minutest detail.

I am not convinced of the necessity or desirability of adding such provisions as Article V, Section 25, Article XV and Article XVIII, Section 2 and 3, or making such changes as were proposed in Article I, Section 10, Article II, Section 16 and Article XIV, Sections 1 to 7. There were other changes recommended which, although less important, seemed to me to be unnecessary or undesirable either in whole or in part.

Robert E. Woodside

No. 400

AN ACT

Creating a temporary State commission to study the Constitution of the Commonwealth to recommend possible amendment or revision; prescribing the powers and duties of the Commission; and making an appropriation.

Commission on Constitutional Revision

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Creation and membership

Section 1. A temporary State commission, to be known as the "Commission on Constitutional Revision," is hereby created. The commission shall consist of fifteen citizens of this Commonwealth, of whom five shall be appointed by the Governor, five shall be appointed by the Speaker of the House of Representatives, and five shall be appointed by the President pro tempore of the Senate.

Officers and vacancies

Section 2. The members of the commission shall elect from its membership a chairman and a vice-chairman. Vacancies in the membership of the commission shall be filled in the manner provided for original appointments.

Duty of commission

Section 3. The commission shall study the Constitution of the Commonwealth, as amended, in the light of contemporary conditions and the anticipated problems and needs of the people of the Commonwealth. If the commission finds change in the constitution advisable, it shall consider the best means of effecting such change. If the commission determines that the best means is by amendment, it shall so recommend and its report shall contain drafts of the proposed amendment or amendments. If the commission determines that the best means is by general revision, it shall collect, compile and analyze such information as it may deem useful to the delegates at a constitutional convention, and shall make any recommendations relating to the substance of revision as it may consider appropriate.

Final report

Section 4. The commission shall submit its final report to the Governor and the General Assembly not later than one week after the convening of the General Assembly in regular session in 1959.

Powers

Section 5. The commission is authorized to make any studies or analyses it may deem relevant through its own personnel or in cooperation with any public or private agency including universities, colleges, foundations and research organizations.

Compensation and expenses

Section 6. The members of the commission shall receive no compensation, but shall be reimbursed for all expenses necessarily incurred in the performance of their duties.

Personnel

Section 7. The commission may employ, and at its pleasure remove, such personnel as it may deem necessary for the performance of its functions, and fix their compensation within the amounts made available by appropriation.

Contracts

Section 8. The commission is authorized to make and sign any agreements for research or otherwise, and to do and perform any acts that may be necessary, desirable or proper to carry out the purposes of this act.

Meeting of Commission

Section 9. The commission may meet within and without the State, and may hold public or private hearings.

Cooperation Directed

Section 10. The heads of the several departments, agencies, boards, commissions, authorities and instrumentalities of the Commonwealth and of the governmental subdivisions of the Commonwealth, are directed to cooperate with the commission with such facilities, assistance and data as may be necessary or desirable for the commission properly to carry out its functions under this act, and which will not interfere with the proper conduct of the respective departments, agencies, boards, commissions, authorities, instrumentalities and governmental subdivisions.

Appropriation

Section 11. The sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, is appropriated for the expenses of the commission in carrying into effect the provisions of this act. Payment from the appropriation shall be made on requisition of the chairman of the commission in the manner provided by law.

Act Effective Immediately

Section 12. This act shall take effect immediately.

Approved—The 15th day of July, A. D. 1957.

GEORGE M. LEADER

The foregoing is a true and correct copy of Act of the General Assembly No. 400.

James A. Finnegan,
Secretary of the Commonwealth

Delaware River Port Authority
of
Pennsylvania and New Jersey
Administration Building
Bridge Plaza
Camden 1, New Jersey
John M. McCullough
Secretary

June 29, 1959

The Honorable Hiram G. Andrews
Speaker
House of Representatives
Commonwealth of Pennsylvania
Harrisburg,
Pennsylvania

Dear Mr. Andrews:

In accordance with the provisions of Senate Bill No. 24, Act No. 21, I am enclosing a report containing the names, positions and salaries of all Delaware River Port Authority employees, effective July 1, 1959.

With personal good wishes, I am,

Sincerely yours,
(Sgd) John M. McCullough
Secretary

JMM:McS

Enc.

ROSTER OF DELAWARE RIVER PORT AUTHORITY EMPLOYEES

BENJAMIN FRANKLIN BRIDGE

ADMINISTRATION

NAME	ADDRESS	DATE OF APPT.	POSITION	SALARY
Joseph K. Costello	503 The Cambridge, Alden Park, Phila., Pa.	2-18-21	Executive Dir.	\$30,000.00
Morris Duane	1617 Land Title Bldg., Phila., Pa.	12-12-52	Special Counsel	17,500.00
Francis W. Sullivan	Girard Tr. Co. Bldg., Phila., Pa.	1-21-59	Penna. Counsel	17,500.00
Bruce A. Wallace	328 Market St., Camden, N. J.	4-24-42	N. J. Counsel	17,500.00
John M. McCullough	433 School Lane, Strafford, Pa.	9-16-53	Secretary	20,000.00
C. H. McWilliams	205 Lakeside Ave., Pitman, N. J.	3-17-58	Treasurer	10,000.00
William A. Gaffney	17 E. Madison Ave., Collingswood, N. J.	1-24-51	Pub. Relations Dir.	10,000.00
Robert L. Steck	7513 Woolston Ave., Phila., Pa.	2-21-30	Chief Clk. & Purch. Agent	10,000.00
James D. Barty, Jr.	5319 Charles St., Phila., Pa.	6-20-56	Chief Acct.	9,000.00
Millard L. Weikert	50 Stephen Dr., Glouc. Twp., Glendora P.O., N. J.	8- 4-58	Asst. Acct.	6,500.00
Mary A. McShane	1115 Marlyn Rd., Phila., Pa.	7-21-21	Adm. Asst. & Asst. Chief Clk.	5,700.00
Mary G. Coyle	508 S. 41st St., Phila., Pa.	2-27-33	Adm. Asst.	5,400.00
Jessie T. Jacobowski	1105 Morton St., Camden, N. J.	9-19-55	Supvr. of Payrolls	3,900.00
Marie J. Toy	619 N. 7th St., Camden, N. J.	4- 8-57	Steno.	3,300.00
Lois Ann White	5 Hedgerow Crt., Oaklyn, N. J.	9-10-57	Recep.-Typ.	3,300.00
Ruth King	107 Park Ave., Gloucester, N. J.	6-23-58	Steno.	3,100.00
Mabel Ritchie	625 Market St., Gloucester, N. J.	1-20-59	Steno.-Clk.	3,100.00

BENJAMIN FRANKLIN BRIDGE

DEPARTMENT OF BRIDGES

Frank L. Suplee, Jr.	220 University Blvd., Glassboro, N. J.	10-21-32	Supt.	\$15,000.00
Ruth Mulava	120 N. 32nd St., Camden, N. J.	9-20-57	Secy.	3,600.00

BENJAMIN FRANKLIN BRIDGE

POLICE BUREAU

Charles I. Wilson	5078 Russell Ave., Merchantville, N. J.	6-15-26	Captain	\$7,728.50
Harry J. McErlane	5247 Sylvester St., Phila., Pa.	6-15-26	Lieut.	6,669.00
Joseph F. McWilliams	295 Broad St., Williamstown, N. J.	6-15-26	Sgt.	6,084.00
Robert H. Donnell	7545 Woolston Ave., Phila., Pa.	6-15-26	Sgt.	6,084.00
John H. Currie	539 Grant St., Camden, N. J.	12- 1-26	Sgt.	6,084.00
Leland A. Hires	422 State St., Camden, N. J.	12-17-26	Sgt.	6,084.00
Raymond E. Geoghegan	1927 Lexington Ave., Pennsauken, N. J.	3-17-28	Cpl.	5,759.00
Merwon R. Chew	227 Virginia Ave., Audubon, N. J.	1-28-37	Cpl.	5,759.00
Edward H. Walton, Jr.	43 N. Main St., Glassboro, N. J.	12- 1-40	Cpl.	5,759.00
John J. Dorety	4514 Leiper St., Phila., Pa.	11-20-43	Cpl.	5,759.00
Harry E. Miller	1127 W. Colona St., Phila., Pa.	7-13-26	Ptlmn.	5,356.00
J. Calvin MacIntyre	3726 Terrace Ave., Camden, N. J.	9-17-27	Ptlmn.	5,356.00
Joseph S. Greenbaum	260 S. 3rd St., Phila., Pa.	7-26-28	Ptlmn.	5,356.00
Joseph J. Reed	810 N. Taylor St., Phila., Pa.	9- 5-30	Ptlmn.	5,356.00
George A. Whomsley	341 Cattell Ave., Collingswood, N. J.	1- 1-40	Ptlmn.	5,356.00
Joseph Narciso	1550 Park Blvd., Camden, N. J.	4- 1-41	Ptlmn.	5,356.00
Joseph Bonafiglia	710 George Lane, Glendora, N. J.	12-18-41	Ptlmn.	5,356.00
William H. Kile	4417 Sylvan Terrace, Pennsauken, N. J.	12-24-41	Ptlmn.	5,356.00
George P. Green	150 7th Ave., Salem, N. J.	4-16-42	Ptlmn.	5,356.00
Raymond C. Whittaker	516 Elm St., Camden, N. J.	9- 1-42	Ptlmn.	5,356.00
John J. Gaghan	121 Colgate Ave., Somerdale, N. J.	6-16-43	Ptlmn.	5,356.00
Joseph Holvick	41 Lindis-Farne Ave., Westmont, N. J.	11- 9-43	Ptlmn.	5,356.00
Victor J. Perri	1143 Harrison St., Phila., Pa.	6- 2-44	Ptlmn.	5,356.00
Joseph H. Hoyler	4421 Oakmont St., Phila., Pa.	6- 2-44	Ptlmn.	5,356.00
Walter F. Kinkle	736 State St., Camden, N. J.	6-21-44	Ptlmn.	5,356.00
Charles T. Lawrence	758 Manatawna Ave., Phila., Pa.	8- 1-44	Ptlmn.	5,356.00
Pasquale Porcellini	2607 S. Dudley St., Phila., Pa.	10- 1-44	Ptlmn.	5,356.00
Wm. B. Peterson, Jr.	1422 Oak Ave., Haddon Hts., N. J.	4- 9-45	Ptlmn.	5,356.00
Joseph S. Hipp	569 Iva Court, Runnemede, N. J.	8-10-45	Ptlmn.	5,356.00
William J. O'Brien	2314 E. Hagert St., Phila., Pa.	12- 1-51	Ptlmn.	5,356.00
Neil R. Hamilton	428 Walnut St., Horsham, Pa.	7-27-52	Ptlmn.	5,356.00
Lewis G. Newsome	223 Cohansey St., Bridgeton, N. J.	9-24-52	Ptlmn.	5,356.00
Robert C. Garber	5614 Peabody Ave., Pennsauken, N. J.	6- 1-53	Ptlmn.	5,356.00
A. Hilding Peterson	224 Baldwin Rd., Glassboro, N. J.	7- 2-54	Ptlmn.	5,356.00
Edward J. McMenamin	2747 N. 23rd St., Phila., Pa.	4-24-57	Ptlmn.	4,875.00
Albert A. Devone	322 Mt. Vernon St., Camden, N. J.	4-30-57	Ptlmn.	4,875.00
Louis R. Kiesel	1534 Tinsman Ave., Pennsauken, N. J.	4-30-57	Ptlmn.	4,875.00
Gus A. Longo	115 Palmwood Ave., Ashland, N. J.	4-30-57	Ptlmn.	4,875.00
Albert L. Catona	720 N. 64th St., Phila., Pa.	5- 1-57	Ptlmn.	4,875.00
George F. Lambert	2228 N. Palethorp St., Phila., Pa.	5- 1-57	Ptlmn.	4,875.00
John J. Roach	4324 Factory St., Phila., Pa.	5- 1-57	Ptlmn.	4,875.00
Charles F. Willis	1515 N. Delaware Ave., Phila., Pa.	5- 2-57	Ptlmn.	4,875.00
John A. Petersen	965 Carver St., Phila., Pa.	5- 2-57	Ptlmn.	4,875.00
James F. Wilkinson	970 Anchor St., Phila., Pa.	5- 2-57	Ptlmn.	4,875.00
Domenic C. Papale	1915 S. 11th St., Phila., Pa.	5- 2-57	Ptlmn.	4,875.00

APPENDIX TO THE

NAME	ADDRESS	DATE OF APP'T.	POSITION	SALARY
William DeFeo, Jr.	2239 S. 23rd St., Phila., Pa.	5- 2-57	Ptlmn.	\$4,875.00
William E. Terheun	125 S. Swarthmore Ave., Phila., Pa.	5- 5-57	Ptlmn.	4,875.00
Norman J. Theckston	515 Walnut St., Magnolia, N. J.	5- 8-57	Ptlmn.	4,875.00
Nathan F. Catona	24 Beaver Dr., Barrington, N. J.	5-13-57	Ptlmn.	4,875.00
Harry J. Ernst	201 E. St. John's Ave., Villas, N. J.	5-17-57	Ptlmn.	4,875.00
Norman F. Payne	220 DiMarco Dr., Phila., Pa.	5-28-57	Ptlmn.	4,875.00
Owen J. Hughes	2329 N. Hancock St., Phila., Pa.	6-11-57	Ptlmn.	4,875.00
Frederick C. Mari	1020 Harrison St., Phila., Pa.	6-11-57	Ptlmn.	4,875.00
David G. Monahan	19 Station Ave., Somerdale, N. J.	6-11-57	Ptlmn.	4,875.00
Edward J. Clopp	325 Mansion Ave., Audubon, N. J.	6-25-57	Ptlmn.	4,875.00
Robert G. Brady	7332 Woodbine Ave., Phila., Pa.	10- 8-57	Ptlmn.	4,686.50
James J. Guckin	1524 Church St., Phila., Pa.	10-15-57	Ptlmn.	4,686.50
Joseph E. Kelley	4323 Willis Ave., Camden, N. J.	11-12-57	Ptlmn.	4,686.50
Joseph E. McMonagle	2329 E. Ann St., Phila., Pa.	7- 2-58	Ptlmn.	4,439.50
Francis T. Kennedy	4923 Salmon St., Phila., Pa.	7- 2-58	Ptlmn.	4,439.50
Joseph W. Rybacki	241 Fitzwater St., Phila., Pa.	7-23-58	Ptlmn.	4,439.50
Benedict F. Rose	8215 Rowland St., Phila., Pa.	6- 4-59	Ptlmn.	4,439.50

BENJAMIN FRANKLIN BRIDGE

TOLL BUREAU

Thomas J. McErlane	6557 Chestnut Ave., Pennsauken, N. J.	11-30-37	Captain	\$7,728.50
Edmund F. Kelley	14—10th Ave., Haddon Hts., N. J.	9-22-30	Ct. Teller & Statis.	7,500.00
Albert S. Ogden	3117 Waldorf Ave., Camden, N. J.	3-22-27	Sr. Lieut.	6,669.00
John W. Kubek	3616 E. Thompson St., Phila., Pa.	2-26-30	Lieut.	6,084.00
Norwood E. Griscom	200 Pitman Ave., Pitman, N. J.	7- 7-37	Lieut.	6,084.00
Frank Fitzpatrick	74 Knight Ave., Clementon, N. J.	11- 6-41	Lieut.	6,084.00
Wm. B. Nefferdorf, Jr.	1937 Sycamore St., Haddon Hts., N. J.	11- 1-49	Lieut.	6,084.00
Lewis H. Cresse	22 Lindis-Farne Ave., Westmont, N. J.	5- 8-30	Supvr. Fare Rec. Equip.	6,084.00
Willard H. Conover	1423 Chestnut Ave., Haddon Hts., N. J.	11-27-40	Teller	6,084.00
Oliver M. Reeves	514 Walnut St., Delanco, N. J.	11- 6-50	Cpl.	5,759.00
Giles Craven III	456 N. Coles Ave., Maple Shade	8- 8-51	Cpl.	5,759.00
Joseph P. Moffa	Main St., Malaga, N. J.	2-18-52	Cpl.	5,759.00
John P. Dougherty	Box 61B, Hillcrest Ave., Hilltop	3- 3-52	Cpl.	5,759.00
Joseph J. Olsen	606 W. Maple Ave., Merchantville, N. J.	4- 2-27	Collector	5,356.00
John J. Hogan	2813 N. 28th St., Phila., Pa.	3-30-37	Collector	5,356.00
Clarence E. Spoerl, Jr.	4027 Royal Ave., Pennsauken, N. J.	10-28-39	Collector	5,356.00
Robert P. Hawkins	15 S. Barrett Ave., Audubon, N. J.	1-12-40	Collector	5,356.00
Edward W. Weigert	1 Donahue Ave., Merchantville, N. J.	8- 6-40	Collector	5,356.00
William L. Fagan	951 N. 35th St., Camden, N. J.	3-17-41	Collector	5,356.00
David S. Moreland	Delaware County, Chester Hts., Pa.	4- 2-41	Collector	5,356.00
Edward Devlin	256 W. Stella St., Phila., Pa.	4-11-41	Collector	5,356.00
James J. Leary	2632 Wilder St., Phila., Pa.	4-16-41	Collector	5,356.00
William H. Wade	1527 W. High St., Haddon Hts., N. J.	4-16-41	Collector	5,356.00
Charles J. Volz	3159 Cedar St., Phila., Pa.	5-27-41	Collector	5,356.00
Charles S. Boswell	1103 W. High St., Haddon Hts., N. J.	12-22-41	Collector	5,356.00
James P. Devlin	2038 S. Alden St., Phila., Pa.	7-24-42	Collector	5,356.00
David W. Russell	Pine Blvd. Lake Pine, Marlton, N. J.	4-16-49	Collector	5,356.00
Alfred D. McManus, Jr.	115 E. Graisbury Ave., Audubon, N. J.	3-24-50	Collector	5,356.00
Orla E. Wescott	354 N. Delsea Dr., Glassboro, N. J.	4- 1-50	Collector	5,356.00
Harry J. Metzinger, Jr.	219 Richards Ave., Barrington, N. J.	4-10-50	Collector	5,356.00
Francis J. McGovern	2980 Chatham St., Phila., Pa.	8- 6-51	Collector	5,356.00
Robert A. Brennan	520 N. 5th St., Camden, N. J.	8-13-51	Collector	5,356.00
Frank A. Rodio	Roy Ave., RFD #2, Hammonton, N. J.	8-20-51	Collector	5,356.00
Leonard J. Mardino	3752 Garfield Ave., Pennsauken, N. J.	8-20-51	Collector	5,356.00
Henry J. Colan	517 N. New St., Clayton, N. J.	10-15-51	Collector	5,356.00
John J. Toal, Jr.	7 E. 5th Ave., Pine Hill, N. J.	2- 1-52	Collector	5,356.00
Walter J. Boston	5914 Penn St., Phila., Pa.	2- 1-52	Collector	5,356.00
Andrew J. Guckin	2360 E. Tucker St., Phila., Pa.	7-30-52	Collector	5,356.00
George D. Dellinger	124 Ashurst Lane, Mt. Holly, N. J.	9-29-52	Collector	5,356.00
William R. Jones	7139 Waldorf Ave., Pennsauken, N. J.	9-30-52	Collector	5,356.00
Gerard R. Howells	113 E. Parview Ave., Somerdale, N. J.	12- 1-52	Collector	5,356.00
Francis X. Ferry	265 Wyoming Ave., Audubon, N. J.	5-13-53	Collector	5,356.00
Alfred T. Griffith	10 W. New Albany Rd., Moorestown, N. J.	5-25-53	Collector	5,356.00
Ralph N. Simonelli	605 Colonial Ave., Woodbury, N. J.	3-29-54	Collector	5,356.00
Eugene J. Callahan	212 Bailey Ave., Maple Shade, N. J.	7-12-54	Collector	5,356.00
Lawrence Silver	54 Shadeland Ave., Drexel Hill, Pa.	8-31-54	Collector	5,356.00
Alfred M. Zarrillo	Sagamore Trail, Medford Lakes, N. J.	11-26-54	Collector	5,356.00
Raymond G. Davis	36 Potter St., Hatboro, Pa.	12- 3-54	Collector	5,356.00
James J. Schmidt	82 N. Carver Ave., Clementon, N. J.	1-10-55	Collector	5,356.00
Joseph H. Van Osten	4400 Higbee St., Phila., Pa.	2- 7-55	Collector	5,356.00
Morton W. Richardson	109 White Horse Pk., Magnolia, N. J.	7-25-55	Collector	5,063.50
John E. Washington	428 W. 6th St., Palmyra, N. J.	8-15-55	Collector	5,063.50
Edmond F. Dent, Jr.	937 Fern St., Camden, N. J.	11-29-55	Collector	5,063.50
John L. Hatter	331 Cooper Ave., Woodlynne, N. J.	4-23-56	Collector	5,063.50
Anthony J. McAroy	650 Linwood St., Camden, N. J.	5-28-56	Collector	5,063.50

NAME	ADDRESS	DATE OF APP'T.	POSITION	SALARY
Anthony A. Milanese	1245 Kenwood Ave., Camden, N. J.	5-28-56	Collector	\$5,063.50
Francis T. Young	917 E. Tioga St., Phila., Pa.	4-23-57	Collector	4,875.00
Ettore DiSalvatore	823 Tulip St., Camden, N. J.	4-23-57	Collector	4,875.00
Earl Stewart	730 Berkley St., Camden, N. J.	4-30-57	Collector	4,875.00
Elwood R. Carter	27 Woodlawn Ave., Collingswood, N. J.	4-30-57	Collector	4,875.00
William B. Dougherty	1843 E. Huntingdon St., Phila., Pa.	4-30-57	Collector	4,875.00
William H. Dougan	4 Goldfinch Rd., Audubon, N. J.	5- 2-57	Collector	4,875.00
James W. Mills, Jr.	314 N. Main St., Woodstown, N. J.	5- 2-57	Collector	4,875.00
John D. Stow, Jr.	400 Rutledge Ave., Folsom, Pa.	5- 2-57	Collector	4,875.00
Thomas E. Ritter	314 Rively Ave., Glenolden, Pa.	5- 6-57	Collector	4,875.00
Domenic Rocco	1641 S. 5th St., Phila., Pa.	5- 6-57	Collector	4,875.00
Frank S. Harrison	2839 Glenview St., Phila., Pa.	5- 6-57	Collector	4,875.00
Thomas H. Harris	833 Cecil St., Phila., Pa.	5- 6-57	Collector	4,875.00
Joseph A. Montesano	179 Springton Rd., Upper Darby, Pa.	5- 6-57	Collector	4,875.00
John L. McFadden, Jr.	604 Oriole St., Phila., Pa.	5- 6-57	Collector	4,875.00
Albert R. Caporelli	1014 S. 46th St., Phila., Pa.	5- 6-57	Collector	4,875.00
Alex J. Bonavitacola	2211 Winton St., Phila., Pa.	5- 6-57	Collector	4,875.00
Edward H. Fernandez	123 Longboat Ave., Beachwood, N. J.	5- 7-57	Collector	4,875.00
Murray Berger	2314 Windsor Ave., Toms River, N. J.	5- 7-57	Collector	4,875.00
Henry T. Bakley	Wilkins Station Rd., Medford, N. J.	5- 7-57	Collector	4,875.00
Anthony Repice	1819 Hoffman St., Phila., Pa.	5-13-57	Collector	4,875.00
Vincent J. McCormick	2181 Bank St., Camden, N. J.	5-17-57	Collector	4,875.00
John R. Paulson	240 Lafayette Ave., Magnolia, N. J.	5-17-57	Collector	4,875.00
Thomas Park	856 E. Almond St., Phila., Pa.	5-20-57	Collector	4,875.00
Clarence A. Maiden	1 North St., Mt. Royal, N. J.	6- 4-57	Collector	4,875.00
Clennon Bennett	5335 Irving St., Phila., Pa.	6- 4-57	Collector	4,875.00
Francis E. Cartin	2127 S. 57th St., Phila., Pa.	6-18-57	Collector	4,875.00
Edward J. Endy	3332 N. Lee St., Phila., Pa.	7- 9-57	Collector	4,686.50
William H. Eivich	210 Hamburg Ave., Egg Harbor, N. J.	9-10-57	Collector	4,686.50
Charles A. Williams	260 E. Johnson St., Phila., Pa.	9-24-57	Collector	4,686.50
Martin H. Hackett	Whig Lane Rd., Woodstown, N. J.	9-24-57	Collector	4,686.50
Albert S. Warner, Jr.	232 Byron St., Camden, N. J.	9-24-57	Collector	4,686.50
James V. Mascola, Jr.	46 W. State St., Lindenwold, N. J.	5-12-58	Collector	4,686.50
Earle W. Zeiders	444 N. Broadway, Pennsville, N. J.	5-19-58	Collector	4,686.50
Adair H. Herbst	301 Holly St., Delanco, N. J.	5-27-59	Collector	4,439.50
John H. Behlau	319 Monroe Ave., Merchantville, N. J.	6- 8-59	Collector	4,439.50

BENJAMIN FRANKLIN BRIDGE

MAINTENANCE BUREAU

Nelson B. Smith	1844 W. Rockland St., Phila., Pa.	3-16-28	Foreman	\$7,221.50
Urban F. Eger	238 Stratford Ave., Westmont, N. J.	8-18-33	Ch. Elecn.	7,221.50
Ralph Bourgeois	535 W. Nedro Ave., Phila., Pa.	7-18-26	Ast. Frmn.	6,123.00
George W. Doneker	19 Kent Rd., Merchantville, N. J.	12-29-41	Ast. Ch. Elecn.	6,123.00
Billee N. Suplee	45 S. Madison Ave., Upper Darby, Pa.	7-10-26	Mechanic	5,356.00
Thomas E. Schwartz	Fellowship Rd., Moorestown, N. J.	4- 5-27	Mechanic	5,356.00
Albert A. Eschert	1323 Erial Rd., Pine Hill, N. J.	11-21-31	Mechanic	5,356.00
Arthur J. McGinn	6 Clinton Ave., Mantua, N. J.	2- 6-34	Mechanic	5,356.00
Thomas McCann	278 N. 33rd St., Camden, N. J.	7-22-38	Mechanic	5,356.00
Leo J. Grill	4304 Ridge Ave., Phila., Pa.	11- 2-38	Elecn.	5,356.00
Svenning Forsman	11 Clinton Ave., Mantua, N. J.	5-27-41	Painter	5,356.00
Ralph F. Walsh	102 Timber Blvd., Brooklawn, N. J.	7-12-43	Mechanic	5,356.00
Charles F. Donacki	215 Prospect Ave., Audubon, N. J.	9- 1-46	Mechanic	5,356.00
Albert Perri	8116 Lister St., Phila., Pa.	3- 2-49	Elecn.	5,356.00
Francis J. McAleer	1545 Sycamore St., Haddon Hts., N. J.	12- 4-50	Elecn.	5,356.00
David J. Taylor	22 Freck Ave., Riverside, N. J.	9-10-52	Mechanic	5,356.00
Patrick J. Smith	6643 Kindred St., Phila., Pa.	10- 5-53	Mechanic	5,356.00
John R. Stabler	4700 E. Hartel Ave., Phila., Pa.	4-19-54	Mechanic	5,356.00
James L. Simpson, Jr.	2530-48th St., Pennsauken, N. J.	3- 7-55	Mechanic	5,356.00
Rodney F. Bates	109 Colgate Ave., Somerdale, N. J.	7-25-55	Mechanic	5,063.50
Robert V. Klingberg	2875 Cushing Rd., Camden, N. J.	5-13-57	Elecn.	4,875.00
John J. Leonard	542 W. Wyoming Ave., Phila., Pa.	5-20-57	Elecn.	4,875.00
John S. Brancato	802 Coles Ave., Merchantville, N. J.	5-21-57	Elecn.	4,875.00
Samuel E. Benson, Jr.	501-4th St., Riverton, N. J.	6-25-57	Elecn.	4,875.00
Henry T. Foster	423 Cedar St., Camden, N. J.	6-22-59	Mechanic	4,576.00

BENJAMIN FRANKLIN BRIDGE

HIGHWAY BUREAU

Gus A. Rothenhofer	2024 Loney St., Phila., Pa.	1-10-27	Foreman	\$7,221.50
Frank Rubino	1913 Bryn Mawr Ave., Haddon Hts., N. J.	4-10-44	Ast. Frmn.	6,123.00
Isaac Gallagher	324 Wilson Ave., W. Collingswood, N. J.	4- 5-37	Mechanic	5,356.00
Joseph Auletto	309 Lincoln Ave., Mt. Ephraim, N. J.	1-20-40	Mechanic	5,356.00
Joseph M. DiMona	261 Mt. Vernon St., Camden, N. J.	12- 1-44	Mechanic	4,712.50
Jero R. Mancuso	424 State St., Merchantville, N. J.	7-23-46	Mechanic	5,356.00
Joseph Camiso	823 S. 4th St., Camden, N. J.	5- 4-53	Mechanic	4,712.50
John Tarnowski	20 Stecher Ave., Riverside, N. J.	8-27-53	Mechanic	4,712.50
Harold R. Hammell	206 Pavilion Ave., Riverside, N. J.	5-27-57	Mechanic	4,875.00

NAME	ADDRESS	DATE OF APP'T.	POSITION	SALARY
Robert Kaufman	5447 Beacon Ave., Merchantville, N. J.	6- 2-58	Mechanic	\$4,712.50
Basil Belli	119 Winthrop Ave., Lenola, N. J.	1-21-30	Helper	4,368.00
Rocco DiTaranto	111 Franklin St., Glassboro, N. J.	2-10-30	Helper	4,368.00
Angelo Gabriele	521 E. Main St., Maple Shade, N. J.	8-24-44	Helper	4,368.00
Michele Luciano	219 Chestnut St., Woodlynne, N. J.	11-20-44	Helper	4,368.00
Joseph Iezzi	1437 Ormond St., Camden, N. J.	11-21-44	Helper	4,368.00
John W. Townsend	3869 Manayunk Ave., Phila., Pa.	1-29-51	Helper	4,368.00
Raymond Tucci	635 S. 4th St., Camden, N. J.	1-26-53	Helper	4,368.00
Vincent Marra	311 Lincoln Ave., Merchantville, N. J.	4-16-53	Helper	4,368.00
Camilio DiPietroandonio	Canterbury Apts., Camden, N. J.	7- 9-56	Helper	4,017.00
John J. Burgo	429 Pine St., Camden, N. J.	5- 7-57	Helper	4,017.00
Harold J. Appley	277 Division St., Camden, N. J.	5-23-57	Helper	4,017.00
Sante DiPietroandonio	8 Cottage Ave., Moorestown, N. J.	5-23-57	Helper	4,017.00
William J. Lemmon	Vincentown P. O., RD No. 2, Indian Mills, N. J.	6-25-57	Helper	4,017.00
Martin J. Kalamas	312 Pensdale St., Phila., Pa.	7- 9-57	Helper	3,939.00
William J. Willis	4251 Ridge Ave., Phila., Pa.	7-23-57	Helper	3,939.00
Walter F. Maloney	428 N. 7th St., Camden, N. J.	8-13-57	Helper	3,939.00

BENJAMIN FRANKLIN BRIDGE

ENGINEERING

Daniel M. Kramer	107 S. Girard St., Woodbury, N. J.	7-18-30	Chief Engineer	\$15,000.00
John R. Woodruff	25 Holly Drive, Woodbury, N. J.	7-25-51	Field Engineer	7,500.00
Mary E. Carroll	546 State St., Camden, N. J.	3-23-49	Engr. Secy.	4,620.00

BENJAMIN FRANKLIN BRIDGE

PORT DEVELOPMENT

J. Alex Crothers	15 Merion Rd., Merchantville, N. J.	12- 1-49	Port Dir.	\$17,500.00
Suzanne M. Murphy	33 Evergreen Lane, Haddonfield, N. J.	10-15-56	Secy.	3,600.00
Philip G. Kraemer	221 N. Bent Rd., Wyncote, Pa.	1- 8-54	Traf. Mgr.	12,000.00
George F. Mohr	217 Gulf Creek Rd., Radnor, Pa.	6-15-53	Asst. Traf. Mgr.	7,500.00
Joan Moffa	2845 Berkley St., Camden, N. J.	6-11-56	Steno.	3,300.00
C. Nelson Bean	128 W. High St., Clayton, N. J.	4-16-53	Mgr. Res. & Prom. Bureau	10,000.00
Henry A. Watson	613 White Horse Pk., Haddon Hts., N. J.	9-23-57	Economist	8,000.00
David M. Tempest	28 Beloit Ave., Audubon, N. J.	5- 1-50	Statis.	7,000.00
Maryann J. Turic	30 Eldridge Ave., Williamstown, N. J.	6-10-57	Steno.	3,300.00
John H. Frazier	323 Lincoln Ave., Lansdowne, Pa.	10-15-53	Asst. Dir. & Coord.	12,000.00
Mary Emma Hughes	23 Central Ave., Audubon, N. J.	3-26-57	Secy.	3,600.00
Clyde W. Hannes	1900 Middle Rd., Glenshaw, Pa.	3-11-57	Pitts. Prt. Repres.	8,500.00
Jean C. Maser	714 Harden Dr., Pittsburgh, Pa.	12- 3-53	Asst.-Clk.	3,500.00
Charles E. Willis	Route No. 1, Sharon, Wisconsin	5-17-56	Chicago Prt. Repres.	8,500.00
Joan I. Weyland	1730 W. Nelson St., Chicago, Ill.	12-10-56	Asst.-Clk.	3,600.00
James H. Flynn	82-15 Myrtle Ave., Glendale, N. Y.	12- 1-53	N. Y. Port Repres.	8,500.00
William H. Brawley	43 Birch Dr., Levittown, Pa.	3- 3-58	Asst. Prt. Repres.	7,500.00
Rita T. Duncan	404-3rd St., Brooklyn, N. Y.	1-26-59	Asst.-Clk.	3,500.00

WALT WHITMAN BRIDGE

DEPARTMENT OF BRIDGES

Ephraim B. Sharp	17 Bowers Ave., Runnemede, N. J.	6-15-26	Asst. Supt.	\$10,000.00
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WALT WHITMAN BRIDGE

POLICE BUREAU

George Haegele	428 N. Broadway, Pitman, N. J.	6-15-26	Captain	\$7,728.50
Isaac Smith	625 Garland St., Phila., Pa.	6-15-26	Lieut.	6,669.00
Frank E. Fowler, Jr.	Almonesson Rd., Almonesson, N. J.	6-15-26	Sgt.	6,084.00
John J. Cox	2450 S. Opal St., Phila., Pa.	10-21-26	Sgt.	6,084.00
C. Russell Colgan	17 Berwick Ave., W. Collingswood, N. J.	1- 1-40	Sgt.	6,084.00
William R. Kyle	332 S. 45th St., Phila., Pa.	12-31-41	Sgt.	6,084.00
William D. Hoffman	708 Tyson Ave., Phila., Pa.	12- 3-27	Cpl.	5,759.00
William E. Wilson	803 Pasadena Dr., Somerdale, N. J.	1- 1-41	Cpl.	5,759.00
James A. Buck	519 E. Sanger St., Phila., Pa.	12-14-41	Cpl.	5,759.00
Edward W. Waddington	109 Creston Ave., Audubon, N. J.	12-26-41	Cpl.	5,759.00
J. Walter DeHart, Jr.	13 S. Crown Pt. Rd., Thorofare, N. J.	12-23-41	Ptlmn.	5,356.00
Joseph T. Schwindt	2887 Kansas Rd., Camden, N. J.	7- 3-42	Ptlmn.	5,356.00
Michael J. O'Hara	220 Reed St., Phila., Pa.	10-26-42	Ptlmn.	5,356.00
Harry Weachter	4035 N. 8th St., Phila., Pa.	6-16-48	Ptlmn.	5,356.00
Joseph H. Trader, Jr.	526 Sanger St., Phila., Pa.	11- 6-50	Ptlmn.	5,356.00
James J. McCann	2243 S. Bonsall St., Phila., Pa.	1- 1-51	Ptlmn.	5,356.00
Gordon A. Lelion	W. Main St., Tuckerton, N. J.	7-21-52	Ptlmn.	5,356.00
James F. Tygh	3917 N. 9th St., Phila., Pa.	7-24-52	Ptlmn.	5,356.00
Richard O. Nelson	1528 S. Newkirk St., Phila., Pa.	7-26-52	Ptlmn.	5,356.00
Michael W. Lorusso	3175 Cedar St., Phila., Pa.	7-28-52	Ptlmn.	5,356.00
Ferdinand Imperiale	3108 Merrimac Rd., Camden, N. J.	8- 6-52	Ptlmn.	5,356.00
Frank P. Moffa	212 S. 36th St., Camden, N. J.	11-15-52	Ptlmn.	5,356.00
Joseph J. Walsh	107 Ava Ave., Somerdale, N. J.	12- 1-52	Ptlmn.	5,356.00
Robert R. Hand	508 Buckingham Dr., Sewell, N. J.	3- 1-54	Ptlmn.	5,356.00
James A. D'Alfonso	809 S. 9th St., Phila., Pa.	6-29-54	Ptlmn.	5,356.00

NAME	ADDRESS	DATE OF APPT.	POSITION	SALARY
Gene Montana	437 Morgan Ave., Woodbury, N. J.	12-13-54	Ptlmn.	\$5,356.00
Charles E. Siers	2834 Longshore Ave., Phila., Pa.	2-21-55	Ptlmn.	5,356.00
Samuel Alderman	219 S. Warner St., Woodbury, N. J.	3- 8-56	Ptlmn.	5,063.50
Patrick T. Benedetta	824 Mercer St., Gloucester, N. J.	4-23-57	Ptlmn.	4,875.00
Sebastian L. Esgro	221 Franklin St., Glassboro, N. J.	4-23-57	Ptlmn.	4,875.00
Edward G. Harris	1154 Baring St., Camden, N. J.	4-23-57	Ptlmn.	4,875.00
John J. Killeen, Jr.	2 Livingstone Rd., Sewell, N. J.	4-23-57	Ptlmn.	4,875.00
Albert Santanello	601 S. 4th St., Camden, N. J.	4-23-57	Ptlmn.	4,875.00
Leonard A. Tenuto, Jr.	1026 Carpenter St., Phila., Pa.	4-24-57	Ptlmn.	4,875.00
John J. Fagan, Jr.	2529 Lombard St., Phila., Pa.	4-30-57	Ptlmn.	4,875.00
Albert D. Lafferty	2438 S. Lee St., Phila., Pa.	4-30-57	Ptlmn.	4,875.00
George W. Horisk	212 S. Denis Dr., Clayton, N. J.	4-30-57	Ptlmn.	4,875.00
Thomas E. Allen	138 S. Green St., Tuckerton, N. J.	4-30-57	Ptlmn.	4,875.00
Donald H. Schmid	233 Garden Ter., Runnemede, N. J.	4-30-57	Ptlmn.	4,875.00
Stewart L. MacDonald	6349 Wheeler St., Phila., Pa.	5- 1-57	Ptlmn.	4,875.00
Vincent R. England	39 Regional Dr., Pennsgrove, N. J.	5- 1-57	Ptlmn.	4,875.00
Andrew J. Truex	20 Lakeview Ave., Pennsville, N. J.	5- 1-57	Ptlmn.	4,875.00
William R. Doughty	4 Goldfinch Ave., Audubon Pk, N. J.	5- 1-57	Ptlmn.	4,875.00
Dino Berardi	1131 Emily St., Phila., Pa.	5- 1-57	Ptlmn.	4,875.00
Kenneth N. Shaw	417-4th St., Hammonton, N. J.	5- 1-57	Ptlmn.	4,875.00
Henry J. Jankowski	315 Brown St., Cambridge, N. J.	9-10-57	Ptlmn.	4,686.50
Edmund W. Springer	580 Lehigh Rd., Wenonah, N. J.	12- 2-57	Pol-Typ.	4,686.50
Bertram A. Armstrong	701 Second Ave., Avalon, N. J.	4- 2-59	Ptlmn.	4,439.50

WALT WHITMAN BRIDGE

TOLL BUREAU

Harold W. Kandle	1542 Tinsman Ave., Pennsauken, N. J.	9-25-35	Captain	\$7,728.50
Albert E. Hunt	6331 N. Shelbourne St., Phila., Pa.	7- 2-40	Sr. Lieut.	6,669.00
Christian Burk, Jr.	6005 Edmund St., Phila., Pa.	3- 8-37	Lieut.	6,084.00
John H. Lafferty	1719 S. Front St., Phila., Pa.	7- 1-37	Lieut.	6,084.00
Joseph C. Goddard, Jr.	3002 S. Colorado St., Phila., Pa.	5-20-41	Lieut.	6,084.00
Oscar J. Mawhinney	3168 Alabama Rd., Camden, N. J.	7-10-50	Lieut.	6,084.00
William M. Martell	134 N. 32nd St., Camden, N. J.	12-11-39	Teller	6,084.00
Thomas M. Youngflesh	3758 King Ave., Pennsauken, N. J.	12-15-52	Cpl.	5,759.00
John D. Ottinger, Jr.	4254 "L" St., Phila., Pa.	2-26-53	Cpl.	5,759.00
Michael D. Daniels	431 Wilde St., Drexel Hill, Pa.	5- 4-53	Cpl.	5,759.00
Luke F. Gallagher	2716 W. Albert St., Phila., Pa.	8-27-54	Cpl.	5,759.00
Anthony R. Fantazzia	635 Turner Ave., Drexel Hill, Pa.	11- 1-38	Collector	5,356.00
James N. Hulings	21 Holly Drive, Woodbury, N. J.	4-23-44	Collector	5,356.00
George B. Davidson	Lake Pine, Marlton, N. J.	5- 1-44	Collector	5,356.00
Thomas F. Brennan	5015 Westwood Lane, Pennsauken, N. J.	2-15-45	Collector	5,356.00
John J. Kellett	7015 Oakley St., Phila., Pa.	8- 8-51	Collector	5,356.00
Holstein R. Cromie	1068 Niagara Rd., Camden, N. J.	2- 1-52	Collector	5,356.00
Daniel J. Menna	1026 Dickinson St., Phila., Pa.	2- 1-52	Collector	5,356.00
John T. Shaughnessy	615 Bailey Rd., Yeadon, Pa.	3-10-52	Collector	5,356.00
Jacob Caprioni	1140 S. Merrimac Rd., Camden, N. J.	11-15-52	Collector	5,356.00
Earl G. Marshall, Jr.	Delsea Dr., Hurffville, N. J.	3-30-53	Collector	5,356.00
Charles P. Stolfo	2536 S. Broad St., Phila., Pa.	5-25-53	Collector	5,356.00
Frank J. Santagata	Bx. 225, Laurel St., Landisville, N. J.	6- 1-53	Collector	5,356.00
James R. Moore	891 N. Bucknell St., Phila., Pa.	7-20-53	Collector	5,356.00
John D. Hires	Maryland & Harlow Sts., Sewell, N. J.	8-30-54	Collector	5,356.00
Walter T. Bendon	3213 Brunswick Ave., Drexel Hill, Pa.	10-20-55	Collector	5,063.50
Charles J. Brennan, Jr.	1901 Jackson St., Phila., Pa.	11-28-55	Collector	5,063.50
Theodore Elskamp	3211 Brunswick Ave., Drexel Hill, Pa.	3- 8-56	Collector	5,063.50
Norman J. Spear	6787 Mitchell St., Phila., Pa.	1- 2-57	Collector	4,875.00
Samuel Migliaccio	P. O. Bx. 162, Tuckahoe, N. J.	1-10-57	Collector	4,875.00
Paul Hnydowitz	4217 Olive St., Phila., Pa.	2-14-57	Collector	4,875.00
Robert E. Brady	1064 S. Merrimac Rd., Camden, N. J.	2-18-57	Collector	4,875.00
Joseph P. Beener	724 Hoffman St., Phila., Pa.	4- 8-57	Collector	4,875.00
Coleman A. Holmes	421 S. Barber Ave., Woodbury, N. J.	4-15-57	Collector	4,875.00
Willard E. Banks	2 Church St., Jericho, N. J.	4-15-57	Collector	4,875.00
Robert C. Gibbs	4527 Kingsessing Ave., Phila., Pa.	4-28-57	Collector	4,875.00
Joseph S. Fisler	516 N. Delsea Dr., Clayton, N. J.	4-30-57	Collector	4,875.00
Vincent J. Pesiri	2815 S. Beulah St., Phila., Pa.	4-30-57	Collector	4,875.00
Jeremiah R. Powell	276 Highland Rd., Woodbury, N. J.	4-30-57	Collector	4,875.00
Edward J. Fadgen	2037 S. Cecil St., Phila., Pa.	4-30-57	Collector	4,875.00
Joseph P. Cairone	Main St., Malaga, N. J.	4-30-57	Collector	4,875.00
Anthony S. Capelli	Freedom Lane, Landisville, N. J.	4-30-57	Collector	4,875.00
Edward M. Kisselback	4305 Oakmont St., Phila., Pa.	4-30-57	Collector	4,875.00
Edward B. Smith, Jr.	454 Tinsman Ave., Pennsauken, N. J.	4-30-57	Collector	4,875.00
John P. Mazzi	226 Anthony Ave., Toms River, N. J.	4-30-57	Collector	4,875.00
Herbert Hoover	6 Monroe Ave., Wenonah, N. J.	5- 2-57	Collector	4,875.00
Ronald C. Conway	5555 Larchwood St., Phila., Pa.	5- 2-57	Collector	4,875.00
Aubrey G. Frake, Jr.	45 Washington St., Mt. Holly, N. J.	5- 2-57	Collector	4,875.00
Michael J. LaRosa	715 S. 9th St., Phila., Pa.	5- 2-57	Collector	4,875.00
Peter F. Zukowski	126 Kenilworth St., Phila., Pa.	5- 3-57	Collector	4,875.00

NAME	ADDRESS	DATE OF APP'T.	POSITION	SALARY
Joseph E. Dunn	64 Barker Ave., Sharon Hill, Pa.	5- 3-57	Collector	\$4,875.00
Egidio M. Mignogna	407 Church St., Merchantville, N. J.	5- 7-57	Collector	4,875.00
Kenneth J. Rudderow	55 Cornell Ave., Merchantville, N. J.	5- 7-57	Collector	4,875.00
Gaetano J. Colonnese	1920 S. Warnock St., Phila., Pa.	5- 7-57	Collector	4,875.00
John C. McDevitt	2326 Wilder St., Phila., Pa.	5-13-57	Collector	4,875.00
Charles J. Quirk	527 S. 27th St., Phila., Pa.	5-13-57	Collector	4,875.00
John C. Mongelluzzo	Box 42, Malaga, N. J.	5-13-57	Collector	4,875.00
James R. Herbst	275 Maple Rd., Woodbury, N. J.	5-17-57	Collector	4,875.00
Peter P. Catanoso	24 N. Barrett Ave., Audubon, N. J.	5-20-57	Collector	4,875.00
Joseph Brunetti, Jr.	2429 S. Mole St., Phila., Pa.	7-16-57	Collector	4,686.50
Pasquale A. Giancatarino	948 Rocklyn Rd., Springfield, Pa.	8-20-57	Collector	4,686.50
Joseph Maiola	832 Ellsworth St., Phila., Pa.	5-12-58	Collector	4,686.50
Walter H. Wagner	726 Hoffman St., Phila., Pa.	6- 2-58	Collector	4,686.50
Donald A. Trout	213 Broadway, Westville, N. J.	6- 9-58	Collector	4,686.50
John E. Todd, Jr.	1907 S. 65th St., Phila., Pa.	6-23-58	Collector	4,686.50
John A. Calvario	Jonas Ave., Minotola, N. J.	9-24-58	Collector	4,439.50
Frank M. Ricciardelli	603 Fitzwater St., Phila., Pa.	5-14-59	Collector	4,439.50
Norman Horwitz	6218-A Roosevelt Blvd, Phila., Pa.	5-18-59	Collector	4,439.50

WALT WHITMAN BRIDGE

MAINTENANCE BUREAU

John A. Kane	809 Morgan St., Camden, N. J.	2-28-27	Foreman	\$7,221.50
Thomas J. Ford	755 Evergreen Ave., N. Woodbury, N. J.	11-30-26	Ch. Elecn.	7,221.50
William Mannino	2104 S. Opal St., Phila., Pa.	4- 2-37	Ast. Frmn.	6,123.00
Francis H. Myers	408 S. Denis Dr., Clayton, N. J.	6-21-43	Ast. Chief Elecn.	6,123.00
Leon S. Youngcourt	656 Washington Ave., Woodbury, N. J.	7- 1-46	Mechanic	5,356.00
Frederick J. Keating	18 E. Park Ave., Oaklyn, N. J.	8-28-49	Mechanic	5,356.00
John F. Laxton, Jr.	413 York St., Camden, N. J.	12- 1-52	Mechanic	5,356.00
Francis G. Lapp	701 Brooks Ave., Magnolia, N. J.	5-27-57	Elecn.	4,875.00
Leonard C. Locantore	1123 Princess Ave., Camden, N. J.	6-18-57	Elecn.	4,875.00
John E. Davidson	221 Magnolia Ave., Somerdale, N. J.	7-16-57	Elecn.	4,712.50
Bernard J. McGrody	3353 Holme Ave., Phila., Pa.	7-18-57	Elecn.	4,712.50
Donald W. Regn	Atco Ave., Atco, N. J.	7-24-57	Elecn.	4,712.50
Robert Sundermeier	700 Beechwood Ave., Merchantville, N. J.	7-30-57	Mechanic	4,712.50
Norman R. Wickizer	59 E. Barber Ave., Woodbury, N. J.	9-16-57	Elecn.	4,712.50
John Iwanuk	2402 S. 8th St., Camden, N. J.	10- 1-57	Mechanic	4,576.00
Harold Leone	3710 Terrace Ave., Pennsauken, N. J.	2-17-58	Mechanic	4,712.50
John D. Martorano	768 S. 6th St., Phila., Pa.	6-18-58	Elecn.	4,712.50
Frank Novella	350 Roy Ave., Rosedale, N. J.	10-22-58	Elecn.	4,576.00
Michael J. Iacovelli	1115 Sycamore St., Haddon Hts., N. J.	1- 5-59	Mechanic	4,576.00
Charles B. Wadding	1165 Lawnton Ave., Woodbury, N. J.	5-18-59	Mechanic	4,576.00

WALT WHITMAN BRIDGE

HIGHWAY BUREAU

Richard W. Scherr	507 Beverly Cir., N. Catalina Hills, Magnolia, P.O., N. J.	5-19-33	Foreman	\$7,221.50
Paul Minotty	401 W. Jersey Ave., Pitman, N. J.	3- 7-37	Ast. Frmn.	6,123.00
William Naylor, Jr.	728 Shields Ave., Woodbury, N. J.	3-26-40	Mechanic	5,356.00
Vincent Santelli	1215 Mollbore Ter., Phila., Pa.	10-29-40	Mechanic	5,356.00
Leonard A. Courtney	Bx. 358, Faulk Rd., Boothwyn, Pa.	6- 4-57	Mechanic	4,875.00
John V. Donovan	3521 Vaux St., Phila., Pa.	6-18-57	Mechanic	4,875.00
Ray J. Hammell	235 Pavilion Ave., Riverside, N. J.	11-12-57	Mechanic	4,712.50
Nicholas Stavoli	313 Weymouth Rd., Vineland, N. J.	7- 1-57	Mechanic	4,576.00
Samuel L. Reechia	Tampa Ave., Ellisburg, N. J.	10-15-57	Mechanic	4,576.00
David Mannino	1807 Gladstone St., Phila., Pa.	11-18-57	Mechanic	4,576.00
Louis F. Pantisano	2622 S. 8th St., Phila., Pa.	12-10-57	Mechanic	4,576.00
Fred H. Marx, Jr.	126 Elm St., Woodlynne, N. J.	7- 1-43	Helper	4,368.00
John H. Anderson	2832 Kansas Rd., Camden, N. J.	1-12-48	Helper	4,368.00
William J. Mahoney	37 Oak St., Westville, N. J.	12-16-52	Helper	4,368.00
Anthony J. Casella	237 Grand Ave., Blackwood, N. J.	6-11-57	Helper	4,017.00
Joseph J. McCusker, Jr.	1621 Ritner St., Phila., Pa.	6-25-57	Helper	4,017.00
William Zuk	1405 S. Ringgold St., Phila., Pa.	7- 9-57	Helper	3,939.00
Ernest Gervasi	511 Cross St., Phila., Pa.	7-16-57	Helper	3,939.00
Anthony Renzi	773 S. 6th St., Phila., Pa.	7-16-57	Helper	3,939.00
Joseph Witkowski	1341 N. 2nd St., Phila., Pa.	9-24-57	Helper	3,939.00
Frank J. Fortuna	716 Dickinson St., Phila., Pa.	10-29-57	Helper	3,939.00
Gerald Brown	530 Franklin Place, Phila., Pa.	11-26-57	Helper	3,939.00
William J. D'Ambra	1353 Says Ave., Camden, N. J.	11-29-57	Helper	3,939.00
William L. Anderson	1374 Chesapeake Rd., Camden, N. J.	11-29-57	Helper	3,939.00
Alexander W. Parlow	892 N. 6th St., Phila., Pa.	12- 3-57	Helper	3,939.00
Carlo R. Fortuna	716 Dickinson St., Phila., Pa.	12- 3-57	Helper	3,939.00
John A. Jordan	2250 S. Norwood St., Phila., Pa.	12- 3-57	Helper	3,939.00
John M. DiChristopher	848 Tulip St., Camden, N. J.	12-10-57	Helper	3,939.00
Michael F. Burgo	123 Chestnut Ave., Woodlynne, N. J.	12-12-57	Helper	3,939.00
Leslie S. Plummer	12 Washington Ave., Mt. Ephraim, N. J.	12-17-57	Helper	3,939.00
Stanley Guzy	306 S. Union Ave., Merchantville, N. J.	10-20-58	Helper	3,841.50
Joseph W. Reiners, Jr.	Westville Rd., Almonesson, N. J.	6- 3-59	Helper	3,841.50

GENERAL ASSEMBLY OF PENNSYLVANIA
1959
REPORT
OF THE
JOINT COMMITTEE TO INVESTIGATE
THE
KNOX MINE DISASTER

THE COMMITTEE

Frank Koprivier, Jr.—Chairman
James Musto—Vice Chairman
William J. Reidenbach—Secretary
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Harold E. Flack
Frank Koprivier, Jr.
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James Musto
William J. Reidenbach

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PREFACE

The Disaster:

On the morning of January 22, 1959, a breach occurred in the strata overlying the Pittston Vein in the River Slope workings of the Knox Coal Company.

This breach opened to the surface along the east bank of the North Branch of the Susquehanna River at a location south of Pittston, known locally as Port Blanchard.

The Susquehanna was in flood stage at the time and consequently countless millions of gallons of water poured into the mine workings before the torrent could be stemmed and the breach plugged.

This sudden and uncontrollable inflow of water took the lives of twelve mine workers, and took away permanently the employment of several thousand mine workers.

The consequent blow to the already staggering economy of the Wyoming Valley is not readily calculated, but a casual estimate would indicate a seven million dollar annual payroll loss.

The Legislature of the Commonwealth of Pennsylvania immediately responded to this disaster through the Department of Mines by providing for emergency repairs and the plugging of the breach.

The relief agencies sprang to the aid of the stricken area and provisions of the Workmens' Compensation Act were waived to assist families of the survivors.

A resolution was passed by both the House of Representatives and the Senate of the Commonwealth of Pennsylvania on February 4, 1959, creating a Joint Legislative Committee for the purpose of meeting, holding hearings, and taking testimony with reference to the mine disaster of January 22, 1959 at the River Slope of the Knox Coal Company.

INTRODUCTION

The first task which confronted the Committee was to familiarize its members with the site of the disaster and in accordance therewith, on February 28, 1959, the Committee visited the site of the breakthrough and proceeded two hundred and fifty feet into the River Slope.

The Committee and staff acquainted themselves with the locus of the disaster and in several conferences held thereafter, mine maps furnished by the Department of Mines and the Knox Coal Company were studied in detail.

Hearings were scheduled for March 5, 1959. At the very onset of the hearing and upon calling the first witness, Louis Fabrizio, President of the Knox Coal Company, a counsel for the Committee was immediately served with a Complaint in Equity seeking to restrain the Committee from questioning Mr. Fabrizio, raising various legal issues.

A hearing on the Complaint was subsequently held in Luzerne County and the Complaint was dismissed on the basis of lack of jurisdiction. The plaintiff, Louis Fabrizio, then initiated a new action in the Dauphin County Court.

The Complaint, seeking an injunction, was also dismissed by an order of the court, dated April 15, 1959. A copy of the opinion of the Dauphin County Court is annexed hereto, marked Exhibit 1, and made a part hereof. Subsequently, Mr. Fabrizio appealed to the Supreme Court of the State of Pennsylvania but withdrew his appeal and finally testified before the Committee on April 23, 1959, the substance of which will be covered hereafter.

The testimony of the hearings comprising some 1,617 pages has been studied by counsel and staff. Responsibility for the disaster, it is submitted, was occasioned not only by the negligence of any particular person or persons, but by a chain of events each link of which was necessary or incidental to the resultant tragedy of January 22, 1959. It is the opinion of this Committee that a combination of contributing factors including, but not limited to, indifference and apathy on the part of the lessor concerning the mode of extracting coal, incompetence on the part of the supervisory employees of the lessee, an incentive pay system resulting in the miners and other incentive employees conducting mining without sufficient regard for their own safety or position; owners of the lessee uniformed and uninterested in the means of extracting coal; a lack of qualified professional mining engineers and/or consultants on the staffs of the lessor or the lessee. Coupled with the above, a condition of nature to wit: a river at sudden flood level, set the stage for sudden tragedy to those who were part of the mining operation.

The last link in the chain of events, an archaic Anthracite Act, we trust will be strengthened and repaired by the adoption of the recommendations contained in this report. We shall present the testimony of all the witnesses in capsule form and refer the record to the Department of Justice for whatever action it may deem necessary. It is felt that it is not the function of this Legislative Committee to do anything other than present the facts as we found them and make legislative recommendations.

In the course of the proceedings there was testimony both direct and indirect relating to labor-management relations. Recommendations are herein contained in regard thereto based on the facts obtained in the hearings.

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SUMMARY OF TESTIMONY

Annexed hereto is a complete index of all the witnesses called by the Committee. Their testimony is referred to by page number in the official transcript of the proceedings in the order of their appearance. For the purposes of this report, we shall deal with the witnesses in categories beginning with the Knox Coal Company, followed by the Pennsylvania Coal Company, the representatives of the Department of Mines, the Federal Mine Inspectors, the nonsupervisory employees of the Knox Coal Company, and the representatives of the labor organization.

KNOX COAL COMPANY SUPERVISORY EMPLOYEES

1. LOUIS FABRIZIO:

His testimony, in essence, was to the effect that he was, prior to August 1958, the Secretary-Treasurer of the Knox Coal Company; subsequent to August 1958 was its President, that he did not engage in direct or indirect supervision of the mining operation and that he relied upon Mr. Dougherty until August of 1958 and subsequently relied upon Mr. Groves, the Superintendent for the operation of the mine.

He stated that he never hired or fired anyone, that he had no connection with the safety program and was completely uninformed as to the means of extracting coal at the site of the River Slope. His testimony inferred that his association with the Knox Coal Company was merely as a profitable investment and he stated rather strongly that he felt that it was the responsibility of each man working in the mine to "take care of himself."

The witness further testified that Knox Coal Company has spent \$60,000 and hasn't a dime left, as part of its contribution to plugging the hole and seeking to recover the bodies of the entombed men. Those are all the available funds they had, and as of March 15th they were unable to assume any further burden.

Mr. Fabrizio stated that he never sat down with the mine foreman or the assistant mine foreman to discuss the mining that was being done. He also stated that he never inquired where the men were mining since he had become President of the Knox Coal Company.

2. ROBERT L. DOUGHERTY:

The witness testified that he was President and General Manager of the Knox Coal Company from 1943 until August 13, 1958. He specifically identified Frank Handley as being a Mine Foreman of the River Slope, Receski as being the Assistant Mine Foreman responsible to Handley as well as the mining engineer. He stated that the two "off course chambers" were not driven during his connection with the Company. This statement was in direct conflict to the testimony of Receski, the Mine Inspector, Cosslett and many of the other witnesses.

Upon close examination he stated that forecast No. 503 authorizing the sub-river mining was submitted while he was General Manager. He further testified that until he left the Company in August, 1958, Robert Groves did

not have authority to make decisions normally made by the mine superintendent.

Mr. Dougherty insisted that the "off course chambers" were not driven with his knowledge. When questioned concerning the failure to pay the employees time and half-time when working on Saturdays, he stated that the men were earning thirty to fifty dollars a day and that, in effect, were paid more than they had been paid at Union rate. His testimony indicated that during his tenure as General Manager and President, he knew what was going on at all times, yet he refused to acknowledge the two "off course chambers" being started during his tenure in office.

Witnesses stated that Mr. Fries was the Division Manager and Mr. Renner was the Mining Engineer of the Pennsylvania Coal Company. He stated that Mr. Renner and himself did go over the situation and would develop the permits to be sent in and they were sent in to be approved. He stated that Mr. Renner never went into the mines that he knew of, except to go in with him, which was only on rare occasions.

3. ROBERT GROVES:

Groves testified that he has been Superintendent of the Knox Coal Company since 1947; that he had worked fifty years in the coal mines, starting in Scotland. He came to the United States in 1921, worked continuously thereafter as a laborer, a miner, a mine foreman, a fire boss, assistant foreman and superintendent. He stated that he had been hired by Mr. Dougherty who paid him a straight salary regardless of the amount of coal mined. He directly contradicted Handley's testimony concerning Handley's duties at the River Slope. He stated that Handley was the mine foreman and as such, Receski, was responsible to him in that capacity. He stated that the Federal Inspector and State Inspector would inspect at least once every three months and a written report was sent to the Company and to the Superintendent and that an inspection was made by the Pennsylvania Coal Company at least once a week.

He stated that he received the results of the survey of September, 1958, sometime in November, and that he had a conversation with Receski concerning the "off course chambers" and that Receski advised him that they were in good condition and that, he, Groves, did not personally go down to inspect them. He further stated that Handley never talked to him concerning Receski being off line which again is in direct conflict with Handley's testimony.

He further testified that Fries, Mine Inspector from the Pennsylvania Coal Company, brought it to his attention that the chambers were off course, and that is all that was done by the Pennsylvania Coal Company concerning the location of the chamber. (N. T. 379) He testified that Mr. Fries came to his office sometime in early December of 1958 and that while he was under his shower, Receski leaned through the door and said, "Bob, it's okey, I got the permission to drive them two places." (N. T. 381-382) He stated that the permission was the result of the preliminary conference between Receski, Handley and himself where it was decided that the connecting chambers should be driven for the purpose of keeping the "off course chambers" free of gas.

Mr. Groves testified further that his opinion was that since the two 'off course chambers' had stood the test

for a period of seven months, that they didn't cave with the good roof; that permission was given orally by the Pennsylvania Coal Company, that the two ventilators could not do much damage since they were further away from the thin roof than the "off course chambers." He stated that he did not feel that there was any danger (N. T. 471). He further stated that Mine Inspector Shirey, on or about January 12th recommended that Receski be fired on the spot for failure to comply with the Mine Inspector's recommendations; on or about January 16th that he, Mr. Groves, transferred Receski to another portion of the colliery due to Receski's family responsibilities.

The witness seemed to hedge when he testified that thirteen carloads of coal were loaded on the night of the 13th of January despite a Stop Order issued by the Mine Inspector. He stated that his understanding of the Stop Order was that it applied effective with the last shift of January 13th.

He stated further than on examination by counsel, that one hundred and ten extra feet of chamber were mined by going off-course rather than by going according to the permit and that from this approximately eight hundred and twenty tons additional coal were removed by the driving of the "off course chambers."

The witness testified that, based upon his experience, there should be no mining within two hundred feet of a river. He testified that extensive pillar robbing was conducted not only by lessees, but also by the lessors and major coal companies.

He testified that a great deal of the subsidence was caused by robbing of pillars by the Pennsylvania Coal Company and other lessors for years.

4. FRANK HANDLEY:

This witness testified that he had been in the mines for a period of approximately forty-one years and that he had been acting as a mine foreman since 1946, that he had worked for Knox Coal Company for four years as of September 1958. He testified that in June he visited the "off course chambers" and advised Receski that they were off line.

He further stated that the two ventilating chambers were driven without his request, which is a conflict with Receski's testimony. He stated that his knowledge of the alleged verbal permission was as a result of a conversation between himself and Mr. Groves, when Groves told him that Receski had told him that he had permission from Fries.

Mr. Handley further stated that, not only did he fail to give approval, but had serious objection transmitted to Groves to the driving of the two chambers, indicating that "two wrongs do not make a right" (N. T. 262). Groves contradicts the witness with respect to this alleged objection. Handley testified that the breach was directly the cause of the driving of the two ventilating chambers.

Handley, upon response to various questions as to why he, as mine foreman, did not stop Receski when he knew that the "off course chambers" were being driven off course, replied, "When I brought this to Bob Groves' attention, he said, 'Frank, he is the engineer here. He should know what he is doing.'" (N. T. 298). He stated that after May 24, 1958 that he had "not one thing to do

with the supervision of that place" (River Slope). He stated that he had not escorted a mine inspector near the Slope since May 24, 1958. Mr. Shirey, the State Mine Inspector, was called immediately upon Handley's declaration that he had never accompanied a State mine inspector after May. Shirey testified that he had been with Handley during an inspection on January 9, 1959 and that Handley was acting as mine foreman for the River Slope.

Handley's testimony was generally evasive and conflicting. He appeared to be an individual who was attempting to dislodge responsibility from himself and place it wherever he could, including the assistant mine foreman, the superintendent and the mining engineers of the lessor.

5. WILLIAM RECESKI:

Testified that he had approximately thirty-five years of experience in the mines and that he had worked for the Knox Coal Company for a period of approximately sixteen years. He stated that he performed the functions as a mining engineer and assistant foreman. He also performed the functions of a lineman and he earned approximately \$100 per week. He stated that he did not work on an incentive pay plan.

He identified his immediate superior as Frank Handley. He stated that he was not a registered engineer or a professional mining engineer. He stated that a stop line is placed on a mining map by engineers of the Pennsylvania Coal Company beyond which the operator was not permitted to mine unless there was a permit either written or verbal and that the line represented a thirty-five foot rock cover. He stated that mining went on two hundred and sixty feet beyond the red line.

He identified Mr. Handley, Mine Foreman, as requesting him to contact Ralph Fries of the Pennsylvania Coal Company and get permission to tap the two blind faces which have been referred to as the air chambers. He stated that the reason for the tapping of the two air chambers was to prevent a dangerous accumulation of gas. He stated that he had two or three conversations with both Mr. Groves and Mr. Handley concerning the fact that he had oral permission to proceed with the tapping of the blind face by the two air chambers. He testified that he left the River Slope on January 15, 1959. His testimony concerning the oral permission is directly contradicted by Mr. Fries of Pennsylvania Coal Company whose testimony shall be treated further in the report.

6. SIMON ZABROSKI:

Testified that he was employed at the River Slope as section foreman on the afternoon shift in the May Shaft and was assigned by Mr. Groves to go into the River Slope once a day and visit that chamber, examine that chamber and see that there was no gas, sufficient roof support and that the men worked in safety there. He stated that on January 13, he went into the mine to see the men about 5:30 P. M.

He stated that when he examined the roof, he thought it was safe enough to work in that chamber. The men had it secure enough with the props and he told them as soon as they cleaned up the little bit of coal they had loose to make room for another prop for sure. He stated that when he went into the mine there were four men working, one man at the bottom topping the cars, two men

were fixing the pan line, tightening the bolts in the shaker pan line, and Mr. Lucas was in the chamber in the face.

7. MYRON THOMAS:

Testified that he worked in the River Slope from May 1, 1958 to May 20, 1959 as assistant mine foreman. He stated that he was working as assistant foreman from December 13, 1957 to December 19, 1957. He stated that the conditions were wet and that the roof was drumly in spots. He stated that the men complained about the water and that they were wearing raincoats. He stated that it was common knowledge that it was wet.

Mr. Thomas further stated that he never knew of a Safety Committee in the mine. He stated that they robbed pillars in the May Shaft under the instruction of the mine foreman and the superintendent. He stated that he thought all mines should have first aid teams. He also stated that Knox had no safety program to his knowledge in the past two years.

He testified that he knew where the stop line was and that he never went past it. He stated that the mine foreman knows where the red line is also if he carries his papers with him.

8. JAMES JEFFERY:

Witness was fire boss and assistant foreman on the 11:00 o'clock shift for Knox Coal Company for a period of nine years ending January 22, 1959.

For the last three years he worked in the River Slope making his fire run every Monday morning, which takes about three hours. The rest of the week he worked in the May Shaft. Witness' last inspection of the River Slope was on January 12, because work was stopped there on the 13th or 14th.

As fire boss, his duties included checking for gas and examining the roof for supports. He stated that on January 12th there were droppers but they weren't uncommon and the roof was fair. Witness' reports were signed by Handley, Mine Foreman. Witness did not know at the time that they were mining under the river.

Witness stated that there was always some water in the mine but that it was usual and not unsafe to work. Neither Handley or the superintendent ever warned witness that they were under the river. Witness believes that the river came through because there wasn't enough cover, but this wasn't his responsibility. The miners in the River Slope never complained to Mr. Jeffrey about conditions down there.

On the 19th, Jack Williams examined the area and on the 22nd, two men went into the "off course chambers" to remove pans.

As far as the witness knows the only place where pillars were robbed was in the Marcy Vein. Witness never said any cog pillars were erected in the River Slope, but believes that if they had been erected that the twelve miners would not have died.

As fire boss he was not furnished with maps of the River Slope. Witness stated that during his three years he was only in the "off course chambers" about three times. In the event that witness couldn't make the fire run because of water or ice, then at about six o'clock Mr. Receski would make the run and sign the report. Sometimes witness couldn't examine the area for several

Mondays in a row, wherein he would just start the pump and later Receski would inspect the place.

Based on the observation of icicles and dampness, witness stated that the roof in the cave-in area was not good.

9. JOHN WILLIAMS:

Witness has been a miner for forty-eight years and worked for Knox from December 1, 1958 before the disaster, being made assistant foreman on the 19th until the 22nd of January. Witness has been unemployed since the 22nd. Witness worked in the May Shaft. Frank Handley was his immediate superior.

Witness' job was to see that there was a six inch coal topping on the cars. On the 19th of January, the witness succeeded Receski as assistant foreman of the River Slope and on that date was the first time witness was ever in the River Slope. On the 19th they were not working in the Pittston Vein, but two men were removing pans.

Witness was standing very near the cave-in area when the water crashed through.

On the 19th witness didn't see any unusual conditions in the River Slope area of the mine. Witness knew he was near the river but didn't realize he was under it. No mining was done on the 19th, 20th, 21st or the 22nd of January 1959.

Witness stated the only unusual thing he noticed in the Pittston Vein was that the props were too small and weren't strong enough. It is the assistant foreman's and the mine foreman's duty to see that correct props are used.

10. STEVE LA TORRE:

Witness stated that he had interest in the Saporito Coal Company. The owners were Carlo Saporito, Louis Fabrizio, and himself from 1938 to 1943. He stated that Mr. Saporito, Mr. Fabrizio, Mr. Sciandra and Mr. Lippi all got six cents a ton; but that he got nothing. He stated that he was acting as topping boss and said that he had three hundred and ten shares of stock, but that he gave twenty-three and one-third to Mr. Fabrizio because he had given him money so that he could be a partner.

Witness stated that Mr. Flannery, the Attorney for the Knox Coal Company at the time, told him that he was going to receive \$5,000 and that he was going to be ousted as a partner of the Company. The check was forwarded to a bank where he owed the money.

PENNSYLVANIA COAL COMPANY

1. JOSEPH A. MARTIN:

Witness is President of the Pennsylvania Coal Company. Witness stated that the sole authority to enforce the safety of mine work in regard to the stop lines, rests on his mining engineer and not himself, and that the engineer makes all decisions concerning the mine safety. There have never been meetings between himself and the engineer specifically on safety.

Witness agreed that the lease is silent concerning upon whom the responsibility rests as to mine safety, the lessor or the lessee.

Since the date of the disaster to the present, the Pennsylvania Coal Company has taken no action to cancel or otherwise affect the lease with Knox, and no decision has been arrived at as yet. Presently no remuneration payments have been made from Knox to the Pennsylvania Coal Company.

Witness has no opinion as to whether all mining engineers should be certified and as of that time no action to discharge any employees has been taken. Pennsylvania Coal Company leased the mines because they could not operate them profitably and for some reason Knox apparently could.

Witness had no discussions with the mining engineer about the off-course mining until after the disaster. Witness doesn't think that in the lease-agreement between lessor and lessee that it should be stipulated to abide by the United Mine Workers agreement or any provision charging the lessee with protection of miners' lives and a cancellation clause extended to this protection, and that the responsibility for the lessee's employees is exclusively on the lessee.

He testified that under the present lease-agreement there is no way that the lessor can enforce the safety regulations. The statement printed on the forecast form supplied by the Pennsylvania Coal Company, to wit: that when signed by their mining engineer it exempts him from any supervision concerning safety in the mining operation, was a statement of the Pennsylvania Coal Company policy when the form was drafted.

2. FRITZ RENNER:

Employed by the Pennsylvania Coal Company as mining engineer for five years, he is neither a registered engineer nor a registered surveyor. Witness is chief engineer in charge of the lessor's mining operations. Under him works Mr. Fries and under Fries, Mr. Stella.

Witness, together with Fries, projected and planned future mining operations on Pennsylvania Coal Company's map.

The distance of approximately one hundred and seventy feet between bore holes as interpolated to have adequate rock to cover is a guess at the exact amount of cover at any particular spot.

Witness authorized forecast No. 503 in June 1958, and stated that to bore beyond the red lines would be dangerous. If witness was notified that the lessee was mining one hundred and sixty feet beyond the red line he would notify the lessee and stop them if they were working.

Witness was first notified of the mining one hundred and sixty feet beyond the red line in early November and after the survey was made. Fries notified him of this and told him that Knox was notified. Witness did not stop the operation because he believed the places were finished.

Witness has no power to cancel a lease in case of illicit mining, but can and would make a recommendation to the Pennsylvania Coal Company to cancel the lease. Witness never made such a recommendation in regard to this violation. The only warning given to the lessees about their infraction, was that given by the survey maps, and a verbal warning given by Fries at witness' instructions, who told witness about the two "off course chambers," but not the two ventilation places.

The rock cover was reduced to thirty-five feet when informed it was O.K. by Dan Connelly, Deputy Secretary of Mines. All the stop lines are established or changed by the lessor, Pennsylvania Coal Company, on basis of opinions by the Mining Engineer, without any approval of any State or Federal Mining Inspectors.

Witness agreed that legislation calling for the engineer to countersign all written reports of his assistant might help.

3. RALPH A. FRIES:

Witness has been employed by the Pennsylvania Coal Company as a Division Engineer for the past five years. He is neither a registered mining engineer nor a registered surveyor. Witness' duties include seeing that all surveys are made, plotted, traced, printed and prints delivered to Knox Coal Company and also making-out of permits that are requested by lessees.

When Knox Coal Company sends in a form asking for permission to mine, along with a print showing the desired area, the request is taken up by the witness and the mining engineer of the Pennsylvania Coal Company, Mr. Renner, and if approved, witness then issued written permission. Oral requests and approval are only given in the case of very small deviations from the survey. The written requests are called forecasts.

In order to insure that work is done according to the permits issued, the Pennsylvania Coal Company employs Joe Stella as an inspector to inspect every working place.

The driving of two chambers are definitely not such insignificant matters as would be subject to oral request or permission, and would absolutely have to be in writing.

Witness denied ever giving oral or written permission in May Shaft office sometime prior to May 1958; as in all instances it is the decision of the mining engineer that controls as to whether or not a permit will be given.

The purpose of red lines on the survey was to establish the area of minimum rock cover wherein mining operations could safely be performed. It was originally set at a fifty foot rock limit and then reduced to thirty-five foot rock limit.

If an operator exceeds the red line area he is on dangerous ground. The red line area is achieved by basis of interpolation based upon two given bore holes, and such interpolation is more or less of a guess. One bore hole in the area showed only a one foot, seven inches of rock cover so that area was avoided, until a forty-eight foot bore hole was located, but the actual cover is still a guess. On the basis of the red lines, definitely no permission would have been given for the two "off course chambers" that were driven. Witness went to May Shaft office at least once a week and was probably there during December of 1958. The map posted in May Shaft office that witness saw in December of 1958 did not indicate the two headings were driven beyond the red line, they were shown as running parallel to the slope as the permit specified.

In early December 1958 witness saw J. Stella's map and it indicated that two headings were being driven beyond the red line. When witness was asked by J. Stella if he had been given permission to Receski to drive the two chambers, witness denied that he had and said he would be crazy to do a thing like that. When witness asked Stella if he had notified Bob Groves and Billy Receski, Stella said that he had. And witness said it was O. K. as long as Bob Groves was notified as he was the fellow that should know.

Witness did not report this information to anyone at Pennsylvania Coal Company until after the accident.

Any time there was a permit violation witness usually informed Mr. Renner, but in this case witness didn't advise him. In witness' opinion the river breakthrough was caused by the tapping of the two chambers.

When informed of the two chambers, witness didn't

consider them dangerous, and witness had no authority to stop the lessee's operations when the red line was violated. Witness didn't know who in his Company had such authority.

Witness knew that the two chambers were being driven toward bore hole 1146 showing one foot, seven inches of rock cover, but didn't know that a violation of the red line was cause for cancellation of the lease.

Witness believed that the bore holes were driven sufficiently close together. Pennsylvania Coal Company's inspection showed the two "off course chambers" being driven on the proper side of the red line; but by examining the crosscut the inspector could determine that they were being driven off course. After December 8, 1958, witness had no discussions with anyone except the inspector about the chambers in question.

Witness knew that the two "off course chambers" were being driven under the river in dangerous territory without a written permit. Witness stated that once he notified the authorities of Knox Coal Company that his duty ended. Witness stated that the two "off course chambers" must have been driven by Knox Coal Company in between inspections by Pennsylvania Coal Company and therefore without their knowledge. Inspections are made anywhere between two and six weeks apart. It would be a good idea to make weekly inspections mandatory.

A miner working doesn't know in which direction he is heading unless told by the foreman. Surveys are made every six months by the Pennsylvania Coal Company and only in between if the lessee requested a special one for a permit.

Recommendation for approval of permits is made by the mining engineer and the witness. Mr. Renner signs the permits.

When witness and engineer approve the permits they are sent back to the lessees. Witness reports most violations to Pennsylvania Coal Company's mining engineers; but there were a few that he missed. The ventilating shafts were not reported to Renner, it was missed by witness.

Witness worked under Renner, Mining Engineer and Stella, Inspector worked under the witness. Referring to the previous conversation between Stella and the witness, Stella told witness that Receski had told him that he had oral permission from the witness.

4. JOSEPH STELLA:

Employed by the Pennsylvania Coal Company as a chainman on the surveying corps and Inspector working under Mr. Fries. Witness stated that inspection tours of the River Slope began in late 1956. Witness inspected area about once every two weeks and sometimes at longer intervals up to a month. Witness is not a certified engineer. It was witness' duty to see that lessees were operating according to their permits and between June of 1958 and the disaster he made eight to ten inspections. Witness first found out that something was amiss in about July, 1958 as a result of a conversation with Receski. After this first conversation it was difficult to determine if they were continuing off course until the survey was made in September, when he found out that the chambers were two hundred and sixty feet beyond the red line. Upon finding this out witness, though surprised, notified no one. On December 12, 1958 witness for the first time observed the workings in the two ventilating chambers,

witness inspected them with Receski, and when inquiring if he had a permit he said, "No, I dont. I have permission from your boss, Ralph Fries."

When observed on December 12th, there were no miners working there. Witness felt that the workings beyond the red line were a dangerous area. At that point after he came out of the River Slope, witness notified Bob Groves, Knox's superintendent of the May Shaft office. Groves told witness that he would see when he came over from the River Slope.

Since witness didn't rely on the map in the May Shaft office, he has no recollection of it prior to September of 1958, but after the survey of September, 1958, it showed the exact location of the "off course chambers."

Witness verified the conversation he had with Fries about his findings and indicated that Fries' comment about it being crazy to give such permission referred to the safety factor. As inspector, it was witness' duty to report violations only to Fries. Witness went back into the River Slope on January 8, 1959 to inspect the ventilating chambers, but never did because he had to assist an injured miner. Fries had not instructed witness to look at the chambers but he went on his own accord. The next time he went back was the day of the disaster.

Witness had sketched his personal map showing the two chambers, but when caught in the disaster he gave the map to Handley to aid in getting miners out and when the map was returned, some two weeks later it was changed.

Witness, based on a hypothetical question, believed that the disaster was caused by the "off course chambers." Witness believed that even if a stop order had been followed and the condition of the blind faced ventilation chamber had not been changed, there would have still been a breakthrough.

Witness described how he and others escaped on the day of the breakthrough.

Someone had changed witness' map during the time since he got out of the mine and the map was returned to him.

PENNSYLVANIA DEPARTMENT OF MINES

1. DANIEL H. CONNELLY:

Witness is Deputy Secretary of Mines of Pennsylvania in the Northern Anthracite Region.

Witness appeared to make a statement to clarify the transfer of Inspector David W. Cosslett from District No. 9. The gist of the prepared statement is that Secretary Kennedy needed another inspector in the southern region and requested witness to recommend an inspector experienced in pitch mining. This was necessitated by the large number of small mines in the southern region, and a new appointment wasn't made because the northern region had a full compliment of inspectors, but declining numbers of operating mines.

Because of his experience, Cosslett was recommended, and when advised, Cosslett agreed to accept the new post.

Witness was shown the map which was given to Inspector Shirey by the Knox Coal Company, and stated that after examination of the map that it is not a physical impossibility, but if compared with the September survey map then it is incorrect; but the survey map wasn't given to Shirey until January 9, 1959.

Witness feels that Inspector Shirey, despite his short

experience, since he had passed his qualifying examinations was just as qualified as Inspector Cosslett.

Witness stated that when the rock cover limit was reduced from fifty feet to thirty-five feet the Department of Mines should have been notified, but they were not, and accordingly they didn't know of the mining under the river. According to the Water Hazards Commission of the early 1930's if any mining was to be done with less than fifty feet cover then bore holes would have to be drilled at least one hundred feet apart, but these rules are only custom and not law and were not made part of the Anthracite Act, so a violation cannot be indicated. They should be made part of the law.

State mine inspectors have no right to promulgate stop lines. It would be helpful if legislation were enacted to require the lessor to furnish the mine inspector with a copy of each mining permit issued.

Witness stated that the deplorable condition reported by Cosslett in his last inspection was noted on the same report as being corrected before the inspector left the mine. Witness stated that Shirey should have inspected and reported to him the condition of the ventilating chambers on January 9, his last inspection. Had the two chambers been discovered as very dangerous, cogs could have been erected and concrete dams for permanent support at a cost of about \$15,000.

When an inspector makes a report a copy is filed with the Department of Mines and if the inspector tells the foreman to repair a bad condition it is always done.

Even after mining for fifty or sixty years, witness stated there are still millions of tons of virgin coal that can be mined without robbing pillars. The big coal companies cease to mine them because they have no market for the coal.

Robbing of coal pillars is not illegal, and miners are not compelled to put in props for surface support. Witness stated that mine operators should be made legally responsible for surface support, which they are not now, and the Department of Mines' only jurisdiction is to see that the condition in the mine is safe for the workers.

2. DAVID W. COSSLETT:

Witness has been a State mine inspector for the past eleven years, who prior to July 1958 had the district including the River Slope Mine when this district was transferred to Mr. Shirey. Witness inspected the River Slope seven or eight times in 1957 and three times in 1958.

Witness agrees that the map as given to Mr. Shirey is a physical impossibility. Witness doesn't know why he was transferred and was never given the reason. Based on witness' knowledge of River Slope, if he had known that two chambers were driven two hundred and sixty feet beyond the red lines under the river which was at the high level mark, he would have stopped the operation as being dangerous.

It is impossible to determine by visual observation an off-course area without a map. There is no way you can tell without a survey or something similar, such as a breakthrough at two parallel places; but it is possible to determine if you are going off course by the length of the crosscuts.

Witness stated that if the mine inspector is not furnished with an accurate map then he cannot properly do his inspection. Witness recommended that to prevent such

occurrences, when any river mining is approached, a commission of mining engineers and inspectors should design the mining and the conditions under which it should be done and also daily checks should be made. Witness agrees that shortening the amount of space between bore holes would help to minimize the hazard.

Also, that the lessor as well as the lessee, should have some legal responsibility as to mine safety including the notification of mine inspectors to check hazards.

During the period that witness was inspector of River Slope the Pennsylvania Coal Company inspector never reported any infraction to him.

Witness feels that during his thirty years' experience that mine operators will not intentionally remove men from a dangerous area, when warned that an inspection is to be made, to fool the inspector.

3. WARREN L. SHIREY:

Witness is State Mine Inspector for the 10th District wherein the Knox Coal Company is included. Witness was appointed inspector in February, 1957. Witness first assumed his duties over the Knox Coal Company area in September of 1958. His predecessor in the district wherein Knox is located was David Cosslett, and witness doesn't know why he was removed. His immediate supervisor is Daniel H. Connelly.

His first visit to the River Slope area was on September 24, 1958 for a mine inspection and Billy Receski took him through the River Slope although Handley, the mine foreman, didn't go with him until January 9, 1959. In this inspection witness did not inspect the two "off course chambers" because Receski told him that they were not working. When witness asked Receski what they were, he was told they were old works.

According to the Mining Law he only has to inspect working faces, old works are to be inspected by the operators. As to what he did inspect, witness found no unusual amounts of water.

Witness first saw working print indicating the two chambers were driven two hundred and sixty feet beyond the red lines on January 9, 1959, but did nothing about it as he didn't feel it was a dangerous condition. When witness examined map on January 12th and saw the two ventilating chambers, he concluded that they were dangerous because they were working in the vicinity of the bore hole showing one foot seven inches rock cover.

When witness ordered the work stoppage, the river was higher than average, but this did not influence his decision. Witness didn't see the face on the 14th but assumed they had stopped according to his order, as he saw the pans being removed.

When stop work order was given on the 13th witness did not feel that a breakthrough would occur; that it was not given to prevent a catastrophe of the kind of the 22nd. Contrary to the witness' stop order of the morning of the 13th, it was discovered after the tragedy that some thirteen carloads of coal had been removed on the night of the 13th.

Witness introduced to Committee a map given him on September 24, 1958 of Knox Coal Company River Slope by Groves of Knox, which was gone over by witness at the time received, and all marks on the map were there when he received it.

The witness testified that the map, although contain-

ing obvious illogical defects, was never questioned nor gone into by him from September through January as he was busy with other things and kept the map only as a record.

Witness inspected the River Slope on September 24, using Receski's print, and he inspected all working places whether or not the place was idle that day. He was guided by the section boss as to which were working or not.

Witness must usually take the mine foreman's word as to which places are working unless the inspector can tell by the condition of the idle place.

Witness admitted that the map he was given can be called a "fairy tale" as the crosscuts as marked were a physical impossibility; but map wasn't examined by witness before his inspection of September 24, 1958. Witness examined no map before he went in for the inspection. Witness believes that the Mine Laws today are sufficient to enforce stop orders given.

The night of January 12th, after witness examined map and saw bore hole near by, indicating their rock cover, he decided it shouldn't be mined farther. Witness admitted his judgment was wrong in not evacuating all men from the caved-in area immediately, as his judgment was wrong as to how imminent the danger was.

Witness doesn't know why Cosslett was transferred. Witness doesn't feel that he has too many inspections to make to do a good job. Witness told Groves of the stop order on the 13th but not Receski, the Section Foreman.

On the morning of January 13th he told Superintendent Groves not to do any more work there in the shaker place. Witness told no one else and made no report of the stop order.

On January 19th, witness filed a report of his inspections of the 9th and 12th of the River Slope mine. Most times when work stoppage is ordered it will appear on his reports.

FEDERAL MINE INSPECTORS

I. WILLIAM RACHUNIS:

District Supervisor, U. S. Bureau of Mines, Health and Safety, District A.

Witness stated in contradiction to his Inspector Retsel's statement, that there had never, in the past two years, been any strained relationships between his office and the Pennsylvania Department of Mines. Witness does not agree with the statement that Retsel gave the Committee.

2. FRANK RETSEL:

Witness testified that he was the Federal Coal Mine Inspector and had been for ten and a half years. He inspected the River Slope four times between May, 1957 and September, 1958. In 1958, C. E. Jones was sent in there to make inspections until December. Witness stated that he was not a registered surveyor or engineer. He stated that on his last visit in September the two "off course chambers" had been driven. He stated that as to the condition of the chambers, nothing was wrong with them out of the ordinary. The places were propped and there was nothing unusual about them. There was no unusual amount of water.

He stated that when he and Mr. Cosslett went there in June the chambers had not been driven. He stated that in June the conditions were deplorable. He said

that they had the place fixed up and that he filed a report. He stated that the State Mine Inspector supercedes him. The only authority he has to stop a place or take men out is if there is an immediate danger when they put up a notice to withdraw the men. Under the Federal Coal Mine Safety Code, they don't have any power except to make recommendations and talk to the people and try to get them to correct these things.

Witness stated that Mr. Cosslett, Mr. Receski and he had discussed the conditions of these chambers in June. He stated that the miners were also present.

The witness also stated that Mr. Cosslett and Mr. Receski went through quite an argument about the condition of the place and made the statement to cease operations at the third crosscut, although they had gone only approximately one hundred feet where they actually had a permit to go two hundred feet given them by the lessor. He stated that when he came back in September he found that they hadn't stopped where they said they were going to stop.

The witness stated that he was never given a copy of the marked map of the Knox Coal Company but that he did see the one in Mr. Groves' office. When asked to examine the map, testified to be the same one, he stated that it was false because it showed the chamber driven on the proper side of the stop line.

He also stated that the relations between the State and Federal Mine Inspectors were strained. He stated that the cooperation isn't good. He stated that for a long time they couldn't get a State Mine Inspector to make a joint investigation with them on fatal accidents. It is the witness' opinion that if a joint investigation and separate reports are made a better job could be done.

Mr. Retsel stated that he filed a report of the conditions in the mine but that he did not mention the condition of the chamber because Mr. Cosslett was the first man in the place and he gave orders, and he didn't feel he should take credit for something that was fixed up on the orders Mr. Cosslett gave.

Witness stated that they are supposed to make inspections three times a year.

KNOX COAL COMPANY NONSUPERVISORY EMPLOYEES

1. ANRHONY KRYWICKI:

Witness stated that he was employed by the Knox Coal Company as a Company miner, prior to which he was employed by the Pennsylvania Coal Company. His duties pertained primarily to the safety features of the mine. While he was in the May Shaft, he observed pillar robbing in certain sections. He stated that he set up the machinery and took it out when it was finished. He only did so under the instruction of the Assistant Foreman, Myron Thomas.

During this time he did at one time see a cave-in. He stated that he drilled two test holes, the first being eighteen feet and the workings continued for another one hundred and fifty feet where he drilled the second hole, which was twenty-three or twenty-four feet. He stated that he never received warnings from anyone in the mine concerning the fact that they were in an area where there were red lines.

He stated that the last time he was aware of a Safety Committee was about three or four years ago, the mem-

bers being Charles Piasecki, Mr. Receski, Krywicki's superintendent and the mine foreman.

2. ALEX KULIKOWICH:

Testified that he was employed by the Knox Coal Company as an extra man. He did mining and laboring. He stated that he worked in the River Slope on steady night shift up to the night of January 21. He stated that they never received warnings concerning the cover from anyone.

Witness stated that on January 13th, Mr. Receski told them to take a six foot skip, not to go any wider. He stated that they put up three props and fired and then broke through the chamber and that the conditions of the chamber were bad. He also stated that the roof was broken up and water was seeping through. He said that he did report it to Mr. Lucas.

He further stated that he was not aware of the mine inspector prohibiting firing that morning. He also testified that on the way into the mine they bumped into Mr. Receski and that he came into the mine with them.

3. JOHN GADOMSKI:

Testified that he was employed as a miner by the Knox Coal Company for two years, prior thereto by the lessor for the Knox Coal Company, Bernardi Coal Company. He stated that he did not receive his time and half time on Saturdays and that he took many Saturdays off. He stated that in respect to this matter, Local 8005 had helped him in the month that has just passed. He stated that he went to Mr. Piasecki, also to the clerk, Joseph Sciandra. He stated that Mr. Cardoni came down to straighten everything out.

4. JOSEPH POLUSKI:

Testified that he was employed by the Knox Coal Company as a laborer. He worked in the May Shaft for about one and one-half years, after which he was transferred to the River Slope. He stated that he had to work in a raincoat. He stated that the water came in from the roof quite a bit at that spot. He also stated that the men failed to put up props as they went along.

Witness stated that he asked Mr. Handley for a change but did not receive one, so he quit. He stated that Mr. Handley had seen them working there while water was dripping. He stated that he never received his time and half pay and that he went to Dominic Alaimo. Mr. Alaimo told him to be down at the Schooley Colliery at 2:30 and he would straighten things out. When he arrived, Mr. Dougherty was there, Mr. Fabrizio and Mr. Alaimo. He said that he was told that everything would be taken care of, but it wasn't.

He stated that in both the May Shaft and in the River Slope they had pushed for production. He also stated that they robbed pillars in the May Shaft when they were going forward.

5. MICHAEL LUCAS:

Testified that prior to January 22nd he was employed by the Knox Coal Company at the May Shaft and the River Slope. He stated that the members of his crew were Joseph Stefanitis, Daniel Stefanitis and William Sinclair.

On the 13th of January when his crew made the final tap, he stated that he thought the roof was just about normal except for a piece of loose rock that was sticking

down next to the coal. He stated that there was steady dripping of water through the roof in some parts of the chamber. He stated that he did not remember being told that the mine inspector had stopped that chamber that morning at 8:30 A. M. He stated that they fired only one hole.

Witness stated that on Saturdays he did not receive time and half time. He seemed very evasive and confused during the entire testimony.

6. MICHAEL DAY:

Testified he was employed as a miner by the Knox Coal Company. He stated that he did not work in either of the two chambers where the breakthrough occurred. He also stated that he received no warnings that they were under the river; neither were they told they were beyond the red line. He was not aware that any stop order had been given by the Federal or State Inspectors on the 13th of January. He stated that there was no Safety Committee that he was aware of. He also stated that he did not receive his overtime pay, and that there was a hush-up about complaining to the Committee.

7. JOSEPH KACHINSKI:

Testified that he was employed by the Knox Coal Company as a company laborer, prior to which his job was all around, propping, timbering, cleaning caves, et cetera. He stated that he worked in the River Slope a few months before January 22nd. While he worked there he did not notice any pillar robbing, but he did see it in the May Shaft. Witness stated that he had heard of a Safety Committee, but that he never knew of any.

Witness also stated that he was one of ten men who were trapped for a while. He stated that they started over toward the River Slope but there was no opening, so they worked their way over to Eagle Shaft and got out.

8. JOHN KRAYNAK:

Witness stated that he has been employed by the Knox Coal Company as a laborer. He worked in the River Slope only one day, and after that he worked in the May Shaft. He did not notice any pillar robbing while working for the Knox Coal Company, but he did notice it in the Marcy Vein.

Witness stated that he was not aware of a Safety Committee. He also stated that he did not receive time and a half for Saturdays.

9. JOSEPH FRANCIK:

Testified he was employed as a laborer for the Knox Coal Company. Witness stated that he never worked in the River Slope, that he worked in the May Shaft. He stated that he was not aware of a Safety Committee in the mine.

Witness stated that the section in which he worked was up to date, that they were just taking a skip on pillars, outside of that it was pretty good. He stated that he did not receive time and half time for work done overtime, and that when you started working in the mine you knew you wouldn't receive time and a half.

10. JOHN GUSTITUS:

Testified that he was employed by the Knox Coal Company as a contract laborer; that he worked in the May Shaft, never in the River Slope. He stated that they

robbed pillars in the Marcy Vein, as a result of which there were cave-ins.

Witness stated that he had no contact with any Safety Committee. He also stated that he worked overtime and never received his overtime pay.

11. JOSEPH KISELEVACH:

Testified that he was employed by the Knox Coal Company as a brakeman, that he never worked in the River Slope. He stated that he was trapped in the May Shaft. He also stated that there was no Safety Committee that he was aware of. He stated that he worked overtime but did not get paid for it.

12. PAUL CAWLEY:

Testified that he never worked in the River Slope, that he worked in the May Shaft as a laborer skipping pillars. He stated that he knew of no Safety Committee in the mine. He also stated that he was not paid for overtime.

13. FRANK LUDZIA:

Stated that he was not in the mine on the day of the disaster, that he never worked in the River Slope. He stated that he worked for the Pennsylvania Coal Company before Knox took it over and that there was a Safety Committee in the mine at that time; but when Knox took it over, there was no Safety Committee that he knew of. When he worked for the Pennsylvania Coal Company, he did receive time and half time for overtime, but when working for Knox he did not.

14. CHARLES MICHULIS:

Testified that he worked in the May Shaft. He stated that he was not in the mine on January 22nd. He also stated that he was not aware of the existence of a Safety Committee. Witness received his pay in the same way the other men did.

Witness stated that he didn't think mining should be done under the river.

15. LOUIS MARSICO:

Witness stated that he never worked in the River Slope, that he worked in the Marcy Vein. He stated that he was not aware of a Safety Committee and that he never was paid for overtime.

Witness stated that he did not know that mining was going on under the river. He suggested that openings should be marked as escape routes.

16. EDWARD PERKOWKI:

Testified that he was employed by the Knox Coal Company as a laborer. Witness stated that the last time he worked in the River Slope was January 13th, that his miner was Joe Bolitsky, the assistant mine foreman being Mr. Receski and the foreman Frank Handley.

Witness stated that on January 12th, he worked in the last chamber that was tapped through. The roof was good and there was not much water. Contrary to Mr. Kulikowich's testimony, he stated that he did not know that they were under the river and that he had no idea they were working outside of the red line area.

Witness stated that he had no contact with any Safety Committee and that he did not receive pay for overtime. He was told by his fellow workers, "you don't receive pay for Saturdays."

Witness further stated that it was possible that the two

crews that worked in there after he left were responsible for weakening the support of the river basin. He stated that he did not know they were heading for an empty chamber.

17. MARTIN SAPORITO:

Testified that at the time of the breakthrough he was working in the May Shaft, Substation Road. He stated that he did not mine in the River Slope area and that he wasn't involved in the pillar robbing in the May Shaft.

Witness stated that he did know of a red line. He stated that he had no knowledge of a Safety Committee in the mine. He also stated that he worked overtime, but that he did not get paid for extra carloads of coal. He stated that he used to take a day off once in awhile and that he was in the mine at the time of the breakthrough.

18. JOHN PIENTKA:

Testified that he was employed by the Knox Coal Company as a laborer. He stated that he worked daily in the May Shaft, but that he did work in the River Slope for a period of eleven days. The roof was wet, but they did not wear raincoats. Mr. Groves told him he was going to get him a better job. He was laid off until the May Shaft was opened.

The first day witness was at the River Slope, he tested the roof and it was good, although they did timber. Witness stated that he did not get overtime for additional hours.

Witness further testified that up until 1957 there was a Safety Committee operating in the mine. He stated that they did have Safety Committeemen under Pennsylvania but not under Knox. It would be the responsibility of the engineer, Mr. Petcovyak to check on the operations to see to it that it was safe for its members.

Witness stated that he knew nothing about any alleged "sweetheart" contracts that the Local had with the Knox Coal Company. He also stated that neither he, nor the other men complained about conditions in the mine or their salary because of the threat of losing their jobs.

As a remedy for this condition, he suggested that the men attend their Local Union meetings and see that they keep coming to these meetings.

19. ALBERT SMELSTER:

Testified that he thought some legislation should be passed where inspection of pillars is concerned. He also stated that he thought there should be more periodic inspections by the mine inspectors, at least once a month.

Witness verified the activities that were testified pertaining to the time and half time for overtime and also to the lack of a Safety Committee in the mine. He stated that he thought the Committee should be at each and every mine working when the Federal and State Inspectors come in, so he could go in with them.

20. MERLE RAMAGE:

Witness testified that he was employed by the Knox Coal Company as a motor runner. He verified and corroborated the statements made by his fellow miners.

21. GEORGE SHANE:

Witness stated that he was employed by the Knox Coal Company in the May Shaft. He found the conditions as to the pay schedule as the other men had testified. He did

not find safety regulations posted anywhere in the mines and to his knowledge there was not a Safety Committee.

22. JOSEPH SOLARCZYK:

Testified that he was employed by the Knox Coal Company in the May Shaft as a contract laborer. He stated that he had the same problem about overtime that the other men had. He stated that there, where he was working, in the Lower Marcy, they were pillar robbing.

23. STANLEY ROMAN:

Due to the breakthrough, he suggested that all the men be familiarized with any exits or second openings in the mines.

24. ROBERT ROBshaw:

Witness stated that he only worked for the Knox Coal Company for twenty days, three days of which he worked in the River Slope, the rest in the May Shaft.

When witness was in the River Slope, the conditions were good and there were droppers here and there. He did not know that he was under the river.

25. JOHN MOORE:

Witness stated that he was employed by the Knox Coal Company in the May Shaft. Witness suggested that signs be posted in the mines telling the men how to get out of the different sections.

Witness also testified that he had no contact with a Safety Committee, nor did he receive time and half time for overtime.

26. CHARLES PROSHUNIS:

Testified that he was employed in the May Shaft as a laborer. Witness stated that he thought there should be a different system for the men to get out of he mine. He stated that there were no signs in the mine and that they never received or were shown a map. He thought it would be a good idea if the men did have maps.

27. ANGELO ROTONDARO:

Testified that he was employed by the Knox Coal Company in the May Shaft. Witness stated that he had nothing to add to what had already been testified by the preceding witnesses.

28. EDWARD YAKUPGIN:

Witness stated that he thought there should be a law passed that if the coal operators want to remove all pillars and damage property on the outside, they should be compelled to make restitution for the damage.

Witness also stated that he thought the miners should be made to fill in where they remove a pillar.

29. WALTER TOKASH:

Witness stated that he began work in the May Shaft about three years ago and on January 16th was transferred to the River Slope. He stated that he had nothing to add to the testimony of the preceding witnesses concerning the disaster.

30. EDWARD OCHREITOR:

Testified that he was employed by the Knox Coal Company in the May Shaft, that he worked in the River Slope only one day in November of 1958. He stated that he did not notice any dripping of water at that time. He stated that they did rob pillars in the Marcy and that he, also, was paid straight time.

31. FRANK WISCALIS:

Witness stated that he was employed in the May Shaft, that he never worked in the River Slope. Witness stated that he agreed with the preceding witnesses with respect to robbing of pillars and the pay they received.

32. ANTEO PANCOTTI:

Testified that he was employed as a company miner in the May Shaft, that he never worked in the River Slope. Witness stated that they only took a skip on the pillars when he worked in the May Shaft and that he received straight pay.

LABOR ORGANIZATIONS

1. AUGUST J. LIPPI:

Identified himself as President of District One of the United Mine Workers. He stated that the Union had a Safety Committee. The witness was extremely reluctant to give any information whether or not the stock of the Knox Coal Company had been hypothecated to him by anyone.

He further indicated that his daughter was on the payroll of the Knox Coal Company as a Chiropodist. He had very little to state concerning the disaster and its causes or the role of his organization in checking the safety of the mine.

Contrary to the testimony of the men who worked in the mines, as well as the President of the Local, he stated that they have a Safety Committee attached to and made part of District One.

2. CHARLES PLSECKI:

Witness stated that he was President of Local 8005, United Mine Workers of America. Witness stated that at present they do not have a Safety Committee of the Local Union. The last time that it functioned was the early part of 1957.

Witness stated that during his tenure as President that a Safety Committee did operate and function at the colliery, comprised mostly of officers and members of the Committee. He stated that the function of this Committee was to take part in safety classes, safety courses, safety lectures, report any and all misdemeanors of any kind to the management whenever they were available, act on accidents that may occur, to investigate the cause of the accident and to see that it does not occur again. He stated that the Committee at Knox met with management concerning the improvement of conditions with regard to the safety features and that these meetings took place practically after every United States Department of Mines Inspection, probably three or four times a year. He stated that they did not have similar meetings after the State Mine Inspectors were there.

Witness stated that from the early part of 1957 until the 22nd of January of 1959, there were only two active members left on the Safety Committee. They were Anthony Argo and himself. He stated that they met with the Superintendent, Bob Groves and the Federal Inspector Jones. For at least a year and a half prior to the 14th of January the River Slope was in operation. There was no active Committee in the last year of the operation of the Knox Coal Company but witness stated that there had been a Safety Committee at the colliery that still had sat down with the Federal Inspectors and went over

misdeemeanors that had occurred in the mines from one inspection to another and had them corrected.

Witness never had any conversations with Mr. Cosslett concerning the conditions at the Slope which he termed deplorable. He was not aware of the argument that was reported between Mr. Cosslett and the employees of the colliery concerning the dangerous condition which existed in the driving of what has been termed the "off course chambers." Witness stated that the Safety Committee was voluntary and stated that the reason for its abandonment of activities was because of the continued shutdown of the mines.

3. FRANK SOBERS:

Witness stated that he was the International Representative of the United Mine Workers of America and that he also was in charge of District 1, Safety Division. His duties were mainly safety in each and every colliery under the jurisdiction, promoting safety conditions and whatever complaints were brought to their attention at the District Office, to investigate them and find out whether or not they were true and have them corrected.

Witness stated that to his knowledge he State Mine Inspectors never reported conditions to him and had no discussions with his Union or the Safety Committee about safety conditions at the River Slope, or any mine for that matter.

Mr. Sobers stated that the only reason he knows of for the stopping of the safety classes was that the attendance had dropped off to such a point that it was not of any benefit to them at the present time; but in the future, when the classes resumed, they intended to reinstate the classes again with the cooperation of the Federal Bureau of Mines. He stated that in his tenure of office, he had never seen anybody lose his job for reporting either a grievance or any safety condition under his jurisdiction.

4. FRANK CARDONI:

Witness stated that he was an Executive Board Member of the United Mine Workers of America. He stated that he had connection with fulfillment of the operations of the general agreement and sometimes in regards to safety. The function of the Safety Committee, if it exists at the various Locals under his jurisdiction, it is the duty of the Grievance Committee to participate, at all times, in any action of safety, whether or not it would be brought about as a result of any employee of the Knox Coal Company, or any other Coal Company, and, also, to participate in the elimination of any violations that are reported by the Federal or State Mine Inspectors. He stated that he didn't know if any condition prevailed that warranted reports, or the inspections that were made by the Federal Bureau of Mines, or the State Inspectors, as to what the situations were there. The witness stated that in the legislative session of 1955 and 1956 there were some recommendations made through their office in Harrisburg on trying to correct some of these situations.

Mr. Cardoni stated that neither he nor his family owned any stock in the Knox Coal Company. He stated that he had relatives who had part interest in a mine under the Hudson Coal Company and that those funds were never hypothecated.

GENERAL EVALUATION

Conflicts in Testimony

1. ROBERT L. DOUGHERTY:

President and General Manager of the Knox Coal Company from 1943 until August 1959 stated that the two "off course chambers" were not driven during his connection with the Knox Coal Company.

Contra:

FRANK HANDLEY:

Mine Foreman of the Knox Coal Company since September 1954 testified that he visited the "off course chambers" in June 1958.

2. WILLIAM RECESKI:

Assistant Foreman for the Knox Coal Company testified in November 1958 he met Mr. Fries leaving Robert Groves' office and at that time Fries gave him oral permission to proceed with the tapping of the two air chambers.

Also that after receiving the alleged permission he had two or three conversations with Mr. Groves and Mr. Handley concerning his oral permission to proceed with the ventilating chambers.

Contra:

RALPH A. FRIES:

Employed by the Pennsylvania Coal Company as a Division Engineer for the past five years denied ever giving oral or written permission for the two shafts to Mr. Receski and said when asked by Mr. Stella, his inspector, that "he would be crazy to do a thing like that."

Contra:

FRANK HANDLEY:

Stated that the two ventilating chambers were driven without his knowledge or approval and his knowledge of the alleged oral permission was the result of a conversation with Robert Groves and not Receski.

3. ROBERT GROVES:

Superintendent of the Knox Coal Company since 1947, testified Handley never talked to him concerning Receski being off line.

Contra:

FRANK HANDLEY:

Testified that he not only failed to give his approval but he seriously objected to Groves indicating that "two wrongs do not make a right," when Groves informed him of Receski's alleged permission.

4. FRANK HANDLEY:

Witness stated that he had not escorted a mine inspector near the River Slope since May 24, 1958.

Contra:

WARREN L. SHIREY:

State Mine Inspector for the district that contained the Knox Coal Company testified that he had been with Mr. Handley during his inspection of the area on January 9, 1959.

5. WILLIAM RETSEL:

Federal Mine Inspector for ten and a half years said that he inspected the River Slope Mine four times between May 1957 and September 1958 and testified that there was nothing unusual about the two "off course chambers."

6. EDWARD PERKOWSKI:

Employed as a laborer for the Knox Coal Company, stated that when working in the last chamber tapped in River Slope on January 12, 1959 the roof was good and there wasn't much water.

JOHN WILLIAMS:

Succeeded Receski as Assistant Foreman on January 19, and at that time he didn't see any unusual conditions in the River Slope area.

Contra:

JOSEPH POLUSKI:

A laborer for the Knox Coal Company, stated that he had to work in the River Slope with a raincoat on, and that where he worked the "water came in from the roof quite a bit." He also stated that the men failed to put up props as they went along.

Contra:

ALEX KULIKOWICH:

Employed by the Knox Coal Company as a miner, testified that on January 13, that the conditions of the chamber were bad, that the roof was broken and water was seeping through.

Contra:

MICHAEL LUCAS:

A miner for the Knox Coal Company, stated that on January 13, "there was steady dripping of water through the roof in some parts of the chamber."

Contra:

JAMES JEFFERY:

Employed as fire boss for Knox Coal Company, stated that on his January 12th inspection that he found, based on his observation of icicles and dampness that the roof in the cave-in area was not good.

7. WARREN L. SHIREY:

State Mine Inspector first saw a working print indicating the two chambers driven two hundred and sixty feet beyond the red lines on January 9, 1959 but did nothing about it, as he didn't feel it was a dangerous condition.

Contra:

FRITZ RENNER:

Employed by the Pennsylvania Coal Company as Mining Engineer, stated that to bore beyond the red lines would be dangerous and if he, the witness, were notified that the lessees were mining one hundred and sixty feet beyond the red line he would notify the lessee and stop them if they were working.

Contra:

JOSEPH STELLA:

Inspector for the Pennsylvania Coal Company felt that workings beyond the red line were a dangerous area.

Contra:

RALPH A. FRIES:

Testified that the purpose of red lines on the survey was to establish the area of minimum rock cover wherein mining operations could be safely performed and if an operator exceeds the red line area he is on dangerous ground.

Contra:

DAVID W. COSSLETT:

State Mine Inspector for eleven years in the Knox area and Mr. Shirey's predecessor, testified that based on his knowledge of the River Slope, that if he knew that two chambers were driven two hundred and sixty feet beyond the red lines, under the river, when the river was at high level mark, he would have stopped the operation as being dangerous.

8. DAVID W. COSSLETT:

Testified that he didn't know why he was transferred in July of 1958 and was never given a reason.

Contra:

DANIEL H. CONNELLY:

Testified that prior to his transfer Cosslett was advised of the reason and the necessity for his transfer and agreed to the new post.

9. FRANK RETSEL:

Witness stated that the relations between State and Federal Mine Inspectors were strained and that cooperation between the two agencies was not good.

Contra:

WILLIAM RACHUNIS:

District Supervisor, U. S. Bureau of Mines, Health and Safety, testified that during the past two years during which time he has held his position, that there have never been any strained relationships between his office and the Pennsylvania Department of Mines.

10. FRANK RETSEL:

Testified that when he and Mr. Cosslett went to inspect the River Slope area in June, 1958 the "two off course chambers" had not been driven.

Contra:

FRANK HANDLEY:

Witness stated that in June 1958 he visited the "off course chambers" and advised Receski that they were off line.

11. AUGUST J. LIPPI:

President of District 1, of the United Mine Workers, testified that they have a Safety Committee attached to and made a part of District 1.

Contra:

CHARLES PIASECKI:

President of Local 8005, United Mine Workers of America, stated that at the present time they do not have a Safety Committee of the Local Union, and the last time theirs functioned was in early 1957.

Contra:

ANTHONY KRYWICKI:

A miner for Knox Coal Company said that his last recollection of a Safety Committee was three or four years ago.

Contra:

MICHAEL DAY:

Stated that there was no Safety Committee of which he was aware.

Contra:

JOHN KRAYNAK:

Miner, stated he was aware of no Safety Committee.

Contra:

JOSEPH FRANCIK:

Laborer, stated that he was not aware of any Safety Committee.

RECOMMENDATIONS TO THE LEGISLATURE

1. Appointment of Commission to Codify Mining Laws

As is apparent by the nature and content of the testimony elicited by the Committee and Counsel during the months of investigation since the disaster, the scope of inquiry was primarily directed toward establishing a basis for the eventual passage of modern, informed legislation designed to eliminate and/or minimize the hazards which caused the disaster of January 22nd.

To this end much information was gathered and competent advice sought including specifically data relating to the problems existing in underwater mining and supervision.

With this limitation of scope in mind, the Committee recommends that a thorough and comprehensive re-evaluation and investigation of Pennsylvania's present Mining Laws dealing with anthracite, bituminous, metallic and non-metallic mining be conducted. We recommend that this should be carried out by the Joint State Government Commission.

The Joint State Government Commission, assisted by representatives of the mining operators, state and federal mining agencies and representatives of the miners together with professional mining engineers as advisors, should then prepare a new, compact mining code, incorporating not only this Committee's recommendations that follow in this report, but also draft new regulations embracing areas not covered by the present Act of June 2, 1891, P. L. 176, as amended, so as to minimize, control and correct surface subsidence, as well as all other aspects of our now partially obsolete law.

Particular attention should be given to the composition of the examining boards for both mine inspectors and mine foremen, so that their membership is adequately qualified and compatible with the selective duties assigned to them.

This Committee's specific recommendations will be dealt with later in this report, but, briefly, the need for more effective legislation may be pointed up by certain needed controls which the present law glaringly lacks. These include controls over engineering phases, particularly pertaining to design. Definitions pertaining to technical personnel do not conform to present-day standards and conceptions. More professionally-trained engineers are necessary. The State Department of Mines should have on its

staff professional mining engineers whose services would be available on a compensatory basis to the small mining companies not otherwise able to retain qualified engineering personnel. These engineers, working with the small mining companies, could establish proper mining engineering, design and planning which would minimize the hazards that permitted the Knox disaster to happen.

Although care must be taken in the preparation of new legislation that it not prohibitively restrict future mining, it is imperative that the legislation insure the safety of mine workers and the general public, and, that it protect surface property over underground areas being mined.

2. Recommended Codification Dealing Specifically with Underwater Mining

COMMENT

The feasibility of mining and removing minerals under bodies of water is recognized today by all competent mining engineers and is widely practiced in the United States.

To successfully meet the engineering problems raised by this type of mining, it is of vital importance to get a code of standards and practices that will guarantee an acceptable safety factor.

While in the past safety measures have been followed by most mine operators, this was done on a voluntary basis. And, as tragically pointed up by the death of twelve miners and the millions of dollars in destruction and loss of earnings in the recent disaster, adequate safety measures must be established and be rigidly enforced.

Accordingly, the Committee recommends:

FIRST: A safety zone shall be established beneath and adjacent to any and all rivers or any other body of water, natural or man-made, navigable or non-navigable, sufficiently large to create a hazard to mining, extending horizontally from the high water mark of each bank two hundred feet if it be a stream or river, or two hundred feet from the known perimeter if it be a body of water and extending vertically downward to the limit of the workable beds.

SECOND: No mining whatsoever shall be permitted in this area except as may be specifically authorized in advance in writing by the Department of Mines.

THIRD: Said written authorization may only be obtained by the operator and/or the lessor, first submitting to the Department of Mines, for its scrutiny, a satisfactory plan in triplicate of the proposed mining, indicating the thickness of the unconsolidated strata, the thickness of the rock strata and coal beds overlying the bed to be mined, the thickness of the bed, the widths of the openings to be made and the width of the pillars to be left and any other special features that may be deemed necessary as affecting the contemplated first mining.

FOURTH: In no instance will this plan be approved if there are less than thirty-five feet of rock cover or if it exceeds the maximum chamber widths and centers and minimum pillar widths given in the following table:

Thickness of Bed	Chamber Centers	Maximum Chamber Widths	Minimum Pillar Widths
2'-5'	50'	30'	20'
5'-8'	54'	28'	26'
8'-12'	54'	26'	28'
12'-Plus	54'	24'	30'

FIFTH: Notwithstanding the minimum requirements in item FOURTH, no pillar recovery shall be undertaken except under satisfactory plans approved by the Department of Mines, in writing and in quadruplicate, it being understood that its scrutiny of these plans shall be directed to the factors of depth, thickness of bed, percentage of pillars proposed to be extracted and to be left; to its effect on pillars remaining in overlying beds, and any other special features that may be involved in each particular case.

SIXTH: All copies of the aforementioned plans and proof of rock cover must be signed before submission to the Department of Mines by the mining engineer representing the operator and the mining engineer representing the lessor and/or owner.

SEVENTH: Proof of the existence of thirty-five feet of rock cover where such is in doubt shall be furnished to the Department of Mines along with the aforementioned plans. Proof of rock cover shall be ascertained by test holes drilled on intersecting lines forming rectangles or squares where the cover thickness is less than fifty feet. These holes shall be drilled on spacings of not more than thirty-five foot centers.

EIGHTH: After examination of the plans, as submitted, by the mining engineer for the Department of Mining and the Secretary of the Department, if approved, they shall sign sufficient copies and retain the original thereof in the Department file. One copy shall be forwarded to the mine inspector for the area in which the mining is to be carried on, and the remaining copies shall be returned to the operator and the owner and/or lessor.

If disapproved, the mining engineer for the Department and the Secretary of the Department, shall note their reasons for such action on the plans and return same to the operator and the owner and/or lessor. One copy shall be forwarded to the mine inspector for the area concerned, and the original shall be retained in the Department files.

3. General Recommendations

COMMENT

FIRST: Of all the causes leading to the disaster at the River Slope mine, the lack of any design or checking by professional mining engineers was of paramount contribution. There were no professional mining engineers, among all of the witnesses appearing before the Committee, representing either the lessor, the lessee, or the State Mine and Federal Mine Inspection services.

Engineering phases, particularly pertaining to design, are almost entirely missing from the present Anthracite Mining Laws.

No place therein can be found any requirement that mine design be approved by qualified persons in the Department of Mines.

While the present inspection services performed by the local mine inspectors are satisfactorily done for the most part, such are limited to day-to-day safety inspections and are inadequate for medium and long term planning and design of proposed future workings. Equally important on the other hand is professional approval of the plans that are proposed to be carried out in the future by the operators and/or lessors. Such would enable the establishment of safeguards for the safety of the men working in the mines and the protection of surface land above the mines from subsidence.

Therefore, it is recommended that legislation be enacted requiring the Department of Mines to appoint at least one registered professional mining engineer to serve in each of the anthracite districts, whose duties shall include:

1. Approval of all plans submitted and permits requested for underwater mining.

2. To assist the various mine inspectors in the study and approval of any work requiring the technical knowledge and ability of a mining engineer.

3. To examine and approve in conjunction with the local mine inspectors all surveys submitted and to generally evaluate mine inspector reports and stop orders.

4. At least once each year it shall be the duty of the mining engineer to inspect each mine in his territory and submit a written report of the visit to the Secretary of Mines with recommendations designed to enhance the safety of the mines and the surrounding area.

COMMENT

SECOND: The present Anthracite Act requires that the mine inspector shall personally visit each working-face at the time of his inspection of a mine. He has no way of knowing, except by a very careful scrutiny of the maps, where work was done since the time of his last inspection and whether this work would have an adverse effect on the safety of the mine. This lack of information was serious in the case of the River Slope disaster. The need is apparent that fuller information of the work completed during the interval of time between inspections be made available to the mine inspector.

Therefore, it is recommended that when a mine inspector arrives at a mine for the purpose of making a periodic inspection, the mine inspector shall be furnished by the superintendent or mine foreman of the mine with a list locating and identifying each coal or rock face advanced since the date of the last inspection and locating each area of pillar removal since the date of the last inspection. And, it shall be the duty of the mine inspector to personally inspect all areas wherein work was performed since the last inspection.

The testimony elicited from most of the workers indicated a failure to be informed of the area in which they were mining. Accordingly, it is recommended that in every case of mining within two hundred feet of a body of water as set forth in item 2, Section FIRST, it shall be the duty of the mine foreman to advise the workers that they are within the zone aforesaid. Said notice shall be made in writing and posted in a conspicuous place on the outside of the workings. The workers, also, shall be advised orally of the contents therein set forth.

It is recommended that a Safety Committee consisting of the superintendent, mine foreman, at least one assistant mine foreman, at least one fire boss and at least two representatives selected by the employees shall be formed in each and every mining operation to acquaint the workers with the shortcomings indicated in the past by the mine inspector and to prescribe a course of conduct in the future which will protect their lives and safety.

The Safety Committee shall file a monthly report with the Department of Mines to be executed by the mine superintendent signifying that the Committee met and furnished this information to the workers.

It is further recommended that the inspection of the mine workings by the mine inspectors shall take place at

least once every two months regardless of the number of men employed thereat.

COMMENT

THIRD: The mine inspector's posted reports of the River Slope and May Shaft inspections contained designations used to identify the working places examined which were not readily identifiable on the maps of the mine.

The form of the report left some doubt as to the reference of remarks made on the conditions of the working places, more specifically on the general conditions of the working places and the general conditions in the mine itself. The use of the words "fair" and "bad" were not sufficiently descriptive.

Also, the very important stop order, issued on the morning of January 13, 1959, seems either to be wholly missing from the inspector's report or at best not clearly distinguishable from the other remarks.

The inspector's reports should, in the opinion of the Committee, contain the clear and explicit findings of the inspection, designating the gangway in which the working is situated; the breast number of said working by the gangway title; breast number which appears on the maps of the mine inspector and mine operator; any action taken.

Further, it should be the duty of the mine inspector to transmit immediately to the Secretary of Mines all stop orders that he may issue, designating the exact location, reason for and time of issuance.

Once received by the Secretary of Mines, all stop orders shall be at once recorded in a special ledger to be used exclusively for this purpose.

COMMENT

FOURTH: The testimony of Mine Inspectors Cosslett and Shirey indicated that when Inspector Shirey assumed his new duties encompassing Inspector Cosslett's territory, the only preliminary meeting between the two men consisted of driving around the area on which occasion Cosslett pointed out to Shirey the mines to be inspected.

This sort of indoctrination seems to the Committee to be grossly inadequate when it is noted that once a mine inspector has been assigned to a district, either by transfer or by appointment, he is immediately held responsible for the application of the mine laws to the mines in the new district.

Therefore, it is recommended that when a mine inspector has been newly assigned to a district, he should be accompanied by his predecessor or some other representative of the Department of Mines thoroughly familiar with the workings in the mines throughout that particular district. Prior to the new inspector assuming his duties, he should personally visit all present working places, and his predecessor should in all ways acquaint him with the conditions to be found in each mine in the district.

COMMENT

FIFTH: The testimony of the inspector for the Pennsylvania Coal Company, Joseph Stella, and others indicated the difficulty and confusion that the miners encountered in trying to find quick egress from the surrounding working places when the river broke through on January 22, 1959. The present law, Article IV, Section 1, of the Anthracite Act; 52 PS Sec. 331, provides for not less than

two openings or outlets in connection with every seam or stratum of coal with means for safe egress to be available at all times.

The Act does not state how the openings are to be marked, nor does it specifically require that the men working in the mine be apprised as to the location of these openings or the whereabouts of alternate means of egress.

It is recommended that it be the duty of the mine foreman or assistant mine foreman to notify all of the men working within the mine of all openings and all alternate means of ingress or egress.

Also, it is recommended that clear, legible markings or symbols be adequately placed and properly spaced in the mine workings to indicate the location and direction of the means of ingress and egress in each area of the mine. These markings or symbols should be uniform in nature. Their design should be supplied by the Department of Mines, all miners, as part of their certification requirements, should have a thorough knowledge of their meaning.

SIXTH: It is recommended that the Act of May 9, 1889, P. L. 154, providing for the recovery of bodies of workmen enclosed, buried or entombed in coal mines be amended to read:

"Section 1. Be it enacted, &c., That whenever any workman or workmen shall heretofore have been, or shall hereafter be enclosed, entombed or buried in any coal mine in this Commonwealth, it shall be the duty of the court, sitting in equity, in the county wherein such workman or workmen are enclosed, entombed or buried, upon the petition of the Department of Mines and Mineral Industries, brought whenever any of the relatives of those enclosed, entombed or buried so request in writing, to make an order of court for the petitioner to take testimony in order that the court may ascertain whether such workman or workmen, or the body or bodies of such workman or workmen, can be recovered or taken out of said mine.

"If, after full hearing, it shall appear to the court that such undertaking is feasible or practicable, said court may forthwith issue a peremptory mandamus to the owner or owners, lessee or lessees, operator or operators of such coal company, to forthwith proceed to work for and recover and take out the body or bodies of such workman or workmen, and said court shall have full authority to enforce such peremptory mandamus in the manner already provided for the enforcement of such process."

Also, provision should be made by the Department of Mines to audit check by actual survey the mine maps submitted by the operators and/or owners of any mine, particularly but not limited to the requirements of Section 1, Article III of the Act of 1891, P. L. 176, as amended; 52 P. S. Section 261.

4. Recommended Penalties

COMMENT

The aftermath of the January 22nd disaster lists twelve men dead and millions of dollars of destruction and lost earnings due to apathy, disregard and negligence on the part of the owner, the operator, certain supervisory employees and other interested parties—and, yet, the only penalties provided for in the present Act are extremely light. The most severe penalty clause provides for a misdemeanor carrying with it a fine of \$500 or ninety days in prison or both.

The provision of the Act presently applicable to an operator who continues to operate after a stop order is issued by a mine inspector calls for a mere \$50 fine or ten days in prison as the punishment for conduct of the nature that led to the Knox disaster. It is our considered judgement that a more severe penalty should be enacted so as to further induce strict compliance with the law.

Therefore, it is recommended that the following penalty provision be enacted:

Any agent of the mine operator or any of its officers or supervisory employees, or any agent of the owner or any of the owner's officers or supervisory employees, if said owner engaged in active supervision and control over the operator, or any mine inspector, who by acts of commission or omission, wilfully and knowingly violates any provisions of the Act, wherein said act of commission or omission is the contributing cause of an incident in or about a mine or colliery which results in death or serious bodily harm, shall be guilty of a felony and upon conviction be subject to a fine of not more than \$5,000 and/or imprisonment in the penitentiary for a period not in excess of three years.

Although during the course of the hearings there was testimony relating to alleged violation of Union contracts by the operator; "Sweetheart" contracts; improprieties on the part of certain Union officials; etc., the Committee is of the opinion that there are already sufficient existing federal statutes covering the field of labor-management relations which pertain to subject matters of this exact nature.

CONCLUSION

After many months of hearings, meetings and study the Committee and Staff concludes its task with the foregoing report. It trusts that the Legislature shall effectuate the recommendations therein contained and hopes, thereby, that a repetition of the tragedy of January 22, 1959, will be averted, in the future.

The Committee wishes to express its gratitude to Attorney General Alpern and her staff for its assistance and cooperation through the course of its legal proceedings; to the Luzerne County Commissioners, the District Attorney, The U. S. Attorney, the Bench and Bar of Luzerne County, and the people of Wilkes-Barre for the hospitality and graciousness extended to the Committee and its staff; to the working press, TV and radio personnel who most objectively reported the proceedings; to the State Police for their cooperation with the Committee and Staff, and to all of the persons and organizations who assisted and made possible the functioning of the Legislative Investigating Committee, we tender our appreciation.

APPENDIX

EXHIBIT 1

LOUIS FABRIZIO, Plaintiff

In the Court of Common Pleas of Dauphin
County, Pennsylvania

vs.

FRANK KOPRIVER, PAUL WAGNER, HAROLD FLACK,
MARTIN MURRAY, PAUL MAHADY, JAMES
MUSTO, LAURENCE GIBB, JAMES JUMP,
STANLEY MEHOLCHICK and WILLIAM
REIDENBACH,

Defendants

No. 114 Commonwealth Docket 1959

No. 2352 Equity Docket

OPINION

BY THE COURT:

It is the prayer of plaintiff's complaint in this proceeding in equity that we restrain the defendants from investigating the recent mine disaster in this Commonwealth. The defendants were appointed and directed to make their investigation by virtue of a concurrent resolution adopted by the Senate and House of Representatives at the current session of the General Assembly.

This Committee was appointed from the membership of both Houses and was vested with the power of subpoena. Hearings were begun in Luzerne County, and the plaintiff, having been subpoenaed, filed this bill in equity in which he claims that the Committee was illegally constituted and its subpoena to him is invalid. The matter is now before us on plaintiff's application for a preliminary injunction. This application came on for hearing on April 6, 1959 when testimony was presented.

On January 22, 1959 the Susquehanna River broke into the coal mine operated by Knox Coal Company in Luzerne County as a lessee of Pennsylvania Coal Company, resulting in great havoc and tragedy. Twelve persons are now missing. The Legislature forthwith appropriated \$6,000,000 for relief in this stricken area.

The House and the Senate adopted a concurrent resolution calling for the creation of an investigating committee, consisting of five members from the House to be appointed by the Speaker, and five members from the Senate, to be appointed by the President Pro Tem to "investigate the recent mine disaster and all matters related thereto".

The concurrent resolution reads, inter alia, that "it is imperative that the cause of the recent mining disaster which struck our Commonwealth be determined as rapidly as possible—not only to determine who was at fault, but to prevent the repetition of such a disaster in the future". The resolution was certified by the Speaker of the House and President of the Senate as having been adopted on the 4th day of February, 1959. The resolution was not signed by the presiding officer of either the House or the Senate.

There was introduced in the House a separate appropriation bill No. 764. The bill was pending in the Senate at the time of the hearing, but we can take note that it has now been passed by both Houses, signed by the Governor and enacted into law as Act No. 8-A, effective immediately.

The concurrent resolution was not submitted to the Governor for his signature. The plaintiff contends that he is entitled to a preliminary injunction because:

- (1) The resolution was not presented to the Governor for approval, as required by Article III, S. 26, of the Constitution.
- (2) It contravenes Article III, S. 1, of the Constitution which provides that "No law shall be passed except by bill—."
- (3) The resolution was not signed by the presiding officer of each House, as required by Article III, S. 9.

(4) The Act of July 1, 1937, P.L. 2460, as amended, 46 P.S. 65, creating the Joint State Government Commission, entirely preempts the investigatory function of the General Assembly.

(5) The resolution imposes upon the Commission a non-legislative function.

(6) The subpoena issued to the plaintiff has no reference to any legislation necessary to correct the causes and conditions of the recent disaster.

(7) It is an investigation of a private business which is not sufficiently affected with the public interest as to entitle the Committee to make its investigation.

Article III, S. 26, of the Constitution of this Commonwealth provides:

"Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on the question of adjournment, shall be presented to the Governor and before it shall take effect be approved by him, or being disapproved, shall be repassed by two-thirds of both Houses, according to the rules and limitations prescribed in case of a bill."

Admittedly, the concurrent resolution was not submitted to the Governor for his approval, and for that reason the plaintiff contends that this Joint Committee has not been legally constituted.

Article III, S. 1, provides that "No law shall be passed except by bill—"; and Article IV, S. 15, states that "Every bill which shall have passed both Houses shall be presented to the Governor—."

When the House and Senate take formal action looking to the enactment of legislation by bill, it is then a constitutional requirement that the bill as passed by these Houses be submitted to the Governor. And Article III, S. 26, requiring presentation to the Governor of an order, resolution or vote refers to matters that are legislative in character, even though such matters do not amount to a bill within the meaning of Article III, S. 1, and Article IV, S. 15. The term "resolution" as used in Article III, S. 26, contemplated legislative action which commits the Commonwealth.

The concurrent resolution in question was not legislative in character. It makes no reference to any matter of legislation nor does it commit the State in any way. Rather it calls only for an investigation to determine the causes of the disaster which occurred when the river entered the coal mine operated by Knox Coal Company. This investigation is being conducted as an aid to determine whether the enactment of legislation is necessary or advisable.

The concurrent resolution was different in its purpose and effect from the resolution referred to in Article III, S. 26. This difference is clearly recognized in *COMMONWEALTH EX REL. v. GRIEST*, 196 PA. 396 (1900), wherein the Supreme Court said at page 409:

"—it is perfectly manifest that the orders, resolutions and votes, which must be so submitted (to the Governor), are, and can only be, such as relate to and are a part of the business of legislation, as provided for and required by the terms of article 3. —The things that are to be done by the two houses are legislative only, and hence, when orders, resolutions and votes are directed to be submitted to the governor it is orders,

resolutions and votes referring to matters of legislation only that are to be so submitted." (Parenthesis supplied.)

The nature of resolutions intended to be governed by S. 26 of Article III has been made abundantly clear by the Supreme Court in *RUSS v. COMMONWEALTH*, 210 PA. 544 (1905), wherein the Court said at page 551:

"—By the resolution action was taken, committing the state to participation in the dedicatory exercises. It was sent to the governor for his approval, because it must have been regarded by those who passed it as committing the state to it, and, if so, it was a matter in the nature of legislation. It is only such resolutions that require executive approval under section 26, of Article III of the Constitution: *Commonwealth v. Griest*, 196 Pa. 396. If both houses had simply resolved to attend the exercises in a body, and to adjourn for a day for that purpose, it would have been no concern of the Governor, and they could have gone with or without his approval; but if more was embodied in the resolution, amounting practically to an enactment authorizing special committees of the Senate and House to act on behalf of the state in making suitable the recognition which both branches of the legislature had agreed upon, it was for the Governor to approve or disapprove.

In other words, a resolution which is in the nature of legislative action committing the state comes within the contemplation of Article III, S. 26, because the Governor must give his approval to any such commitment. However, if the resolution amounts to nothing more than a formal expression of an opinion, concerns itself with the transaction of the business of the General Assembly, and does not commit the state to any affirmative action, then such a resolution would not be within the purview of Article III, S. 26.

It would seem to us that the appointment of a special committee to investigate matters that may be the subject of legislative action should no more require executive approval than the appointment of a standing committee by either the House or the Senate. The special committee and the standing committee are concerned with the transaction of the business of the General Assembly. The exercise of a veto power by the Governor over the creation and functioning of these committees would be in violation of the doctrine of the separation of powers.

The plaintiff has relief on *SCUDDER v. SMITH, ET. AL.*, 331 PA. 165 (1938). In that case a joint resolution of the General Assembly purported to create a commission to investigate the oil business in the Commonwealth and appropriated funds to the commission. The Supreme Court held that a resolution is a formal expression of opinion of the Legislature adopted by vote, and that an appropriation of money by resolution violates Article III, S. 1, and Article III, S. 15, of the Constitution.* The Supreme Court held that the joint resolution was not a bill.

(*) Article III, S. 15, provides that all appropriations must be passed by bill.

In contrast, the error of the General Assembly in the Scudder case has not been repeated here. The appropriation to defray the expenses of the Committee has been made by a separate bill. In the Scudder case the Supreme Court affirmed the opinion of this Court (Judge Fox), reported in 45 *DAUPHIN* 209 (1938).

It is our opinion, then, that the concurrent resolution

was not legislative in character and its adoption by the two Houses carried with it no requirement that it be submitted to the Governor. Nor did this resolution in any way violate the provisions of Article III, S. 1, since the resolution was not a bill.

The plaintiff complains that the concurrent resolution was not signed by the presiding officer of each house, as required by Article III, S. 9, of the Constitution of this Commonwealth. This provision of the Constitution is a procedural directive and not a substantive requirement—that is to say, it is a directory provision which relates to the procedures to be invoked in the passage of resolutions by the two Houses.

Plaintiff alleges in his complaint that the concurrent resolution was adopted and has proved that adoption by stipulating into the record paragraph three of his complaint to that effect. Since plaintiff has alleged and proved the ultimate fact, namely, that the concurrent resolution in question was adopted, he is hardly in a position to derogate from the concurrent action of the two Houses by showing the omission of a procedural directive. In no event could this procedural omission upset this acknowledged concurrent action.

In *KILGORE v. MAGEE, ET AL.*, 85 PA. 401 (1877), the Supreme Court had this to say at page 412 regarding judicial inquiry into legislative procedures:

"In regard to the passage of the law and the alleged disregard of the forms of legislation required by the constitution, we think the subject is not within the pale of judicial inquiry. —The presumption applies to the act of passing the law, that applies generally to the proceedings of anybody whose sole duty is to deal with the subject. The presumption in favor of regularity is essential to the peace and order of the state.

"If every law could be contested in the courts on the ground of informality in its enactment, the floodgate of litigation would be opened so widely, society would be deluged in the flow. It is not a question of fraud in which that is set up as a law which never was so in form or in fact, but a question of regularity in the conduct of those who have the power to enact the law, and who declare it to be such."

In *MIKELL, TRUSTEE v. PHILADELPHIA SCHOOL DISTRICT, ET AL.*, 395 PA. 113 (1948), the Supreme Court refused to declare invalid a revenue measure which had originated in the Senate in violation of Article III, S. 14, requiring such bills to originate in the House. The Court said that this provision of the Constitution was merely directory, and at page 123 stated that "A failure of the legislature to follow a directory provision of the Constitution, respecting the introduction and passage of legislation, does not—impair the validity of a duly certified enactment." And at page 126 also stated that "the enrolled bill is the conclusive evidence of statutory enactment—."

Both of these cases last cited deal with alleged faulty legislative procedures relating to the passage of bills. The principles therein enunciated have at least equal application to the adoption of resolutions by the two houses, and, therefore, set forth the correct rule applicable to the concurrent resolution in question. We believe the certification by the Speaker of the House and the President of the Senate on the copy of the enrolled resolution,

and introduced into this record, provides further proof that it was adopted by the House and Senate.

The Act of July 1, 1937, P. L. 2460, as amended, 46 P. S. 65, creates a Joint Legislative Commission to be known as the Joint State Government Commission. It is empowered to make such investigations and studies as may be deemed useful to the General Assembly. The Act does not in any way suggest that this Commission shall be the sole instrument through which the Legislature might conduct its investigations. The Act of 1937 cannot reasonably be construed to divest either the House or the Senate of their inherent powers to conduct their own legislative investigations.

We are asked by the plaintiff by preliminary injunction to restrain the enforcement of the subpoena duces tecum served upon the plaintiff. He was notified, *inter alia*, to bring to the Committee hearing "all records of the Knox Coal Company, showing complete list of employees, their job titles and length of employment from June 1957, to present together with a separate list of only those who worked at River Slope in Pittston, all books and records showing the names and addresses of the owners, legal, and otherwise, of the said company, all records required by Sec. 285 Mining Law, 52 P. S. 285, plus any shares of stock held by you."

We cannot say at this stage in the proceeding that this subpoena has no relevance to any legislation that may be necessary to correct the causes and conditions that pertain to the mine disaster in question. It seeks, *inter alia*, information concerning the employees of Knox Coal Company and the plaintiff's interest in that Company. These would seem to be matters that are pertinent to the inquiry being conducted by the Committee. We would not be justified in interfering with plaintiff's duty to respond to the subpoena. Certainly, on the record before us, our power to interfere would be most dubious. We think the correct course would be to allow each individual his freedom to exercise any right that he may have before the Committee when he is called upon to testify.

In support of his contention that the subpoena in question seeks information that could not be relevant to any appropriate legislative action, the plaintiff cites *ANNENBERG v. ROBERTS, ET AL.*, 333 PA. 203 (1938). The Commission in the Annenberg case, composed of three members of the Senate and three members of the House, was charged with the duty to make a careful and thorough investigation of the existing practices, means, machines, instruments and devices whereby information is knowingly gathered, obtained, disseminated and received in the furtherance of gambling. The Commission (pages 211—212) served on the Annenberg subpoenas demanding the production of—and named fifty-two corporations. Obviously,

"—all records, including contracts, stock certificates, agreements of trust, agreements of partnership, ledgers, journals, check books, cancelled checks, bank deposit books, passbooks, accounts, evidences of ownership, and memoranda, including letters, telegrams, messages and memoranda received from, and copies of letters, telegrams, messages and memoranda sent to 'thirty-eight named individuals,' showing your connection with or interest in, either directly or indirectly, any or all companies, holding companies, corporations, partnerships or associations, directly or indirectly, engaged in or having to do with the dissemination of sporting

news in all forms and by any means, including horse racing results distributed in the United States or Canada, newspapers, racing sheets, dope sheets, form sheets, racing records and statistics, and particularly with respect to the following corporations or companies.'—” the subpoena was broader in its scope and went beyond the authority granted to the Commission and actually constituted an unreasonable search and seizure. The subpoena was sort of a fishing expedition seeking data not only in the state of Pennsylvania but “elsewhere in the United States or Canada.”

The Annenberg case in no sense is authority for the proposition that the scope of the subpoena issued to the plaintiff was not within proper bounds. The investigation is concerned with a mine disaster at a specified place and the subpoena seeks information at the point of the disaster, that seems pertinent to us.

The plaintiff has argued that the Committee's investigation is invalid because it is conducting an inquiry concerning a private business not sufficiently affected with the public interest. It is difficult for us to follow this argument. Rather, in our judgement, the Committee is seeking information concerning a disaster which is recognized as having widespread effect upon the community involved.

The plaintiff at the argument contended that the Committee was functioning as a court and grand jury rather than a legislative committee. The transcripts of the hearings do not bear out this contention. We have read the entire transcript of the Committee's proceedings prior to April 6. We think there is no sound basis for the contention that it has transcended its authority. The record of these proceedings demonstrates that the object of the Committee is to determine whether this disaster shows that there is a need for any legislation. There are adequate constitutional safeguards to protect the rights of any witness with respect to the scope of interrogation that may be propounded in the course of this investigation.

For all these reasons, in our order of April 13, 1959 we refused the plaintiff's prayer for a preliminary injunction, and we herewith reaffirm that order.

(S) William H. Neely
J.

Serial No. 19 (Not Printed)

By Messrs. MUSTO, MEHOLCHICK, CURWOOD, SHUPNIK, CROSSIN, JUMP and KUBITSKY

COMMITTEE TO INVESTIGATE RECENT MINE DISASTER

In the House of Representatives

February 2, 1959

It is imperative that the cause of the recent mining disaster which struck our Commonwealth be determined as rapidly as possible. The great loss of human life, the property damage, the expense, both private and public, the loss of employment, and the resultant blow to the economy of an area already hardpressed, have posed a problem which must be solved.

If there has been a failure to abide by safety precautions required by law, or a violation of other mining laws, or a laxity in the enforcement of such laws, these violations must be brought to light, not only to determine

who was at fault, but to prevent the repetition of such a disaster in the future; therefore, be it

RESOLVED, (the Senate concurring), That an investigating committee of ten members of the General Assembly be created, five from the House of Representatives to be appointed by the Speaker, and five from the Senate, to be appointed by the President Pro Tempore, whose duty it shall be to study and investigate the recent mine disaster and all matters related thereto; and be it further

RESOLVED, That the committee may meet, hold hearings, and take testimony. The committee shall (have the power to) secure the services of counsel and a staff of technical advisors, not to exceed three in number, each of whom shall be well versed in mining and related subjects pertinent to this investigation who shall furnish the committee with technical advice and assist it in its investigations, and the committee shall have the power to fix the compensation of counsel, the staff of technical advisors, and the secretarial help so secured, hire such secretarial help as may be required. It may issue subpoenas under the hand and seal of its chairman, commanding any person to appear before it and answer questions touching matters properly being inquired into by the committee and to produce such books, papers, records, and documents as the committee deems necessary.

Any person who wilfully neglects or refuses to testify before the committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases. Each member of the committee shall have power to administer oaths and affirmations to witnesses appearing before the committee; and be it further

RESOLVED, That the committee make a report of its findings and recommendations to this Session of the General Assembly as soon as possible.

Adopted, February 2

House concurred in Senate Amendments, February 4.

In the Senate

Referred to Committee on Mines and Mineral Industries, February 2.

Reported as amended, February 8.

Agreed to, February 3.

House Committee appointed, February 9:

Messrs. Musto, Meholchick, Reidenbach, Jump and Gibb.

Senate Committee appointed, February 9:

Messrs. Flack, Wagner, Koprivier, Murray and Mahady.

ANTHRACOSILICOSIS AND COMMONWEALTH EXPENDITURES UNDER THE OCCUPATIONAL DISEASE LAW

General Assembly of the Commonwealth of Pennsylvania

JOINT STATE GOVERNMENT COMMISSION

Harrisburg, Pennsylvania

1959

The Joint State Government Commission was created by Act of 1937, July 1, P. L. 2460, as amended 1939, June 26, P. L. 1084; 1943, March 8, P. L. 13; 1956, May 15, P. L. (1955) 1605, as a continuing agency for the development of facts and recommendations on all phases of government for the use of the General Assembly.

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OCCUPATIONAL DISEASE LAW

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INTRODUCTION

In view of the expected 40-fold increase in Commonwealth expenditures for occupational disease compensation payments over the last five biennia, the Executive Committee of the Joint State Government Commission initiated a study contemplating a thorough review of the operation of the occupational disease law.

A task force was duly appointed to undertake the study. To facilitate the work of the task force the Executive Committee appointed a committee of conferees consisting of representatives of miners, mine operators and insurers, and a medical specialist.

The task force examined the changes in the case load and associated Commonwealth expenditures, and the factors responsible for these changes.

The present report presents the major factual findings of the task force.

The Joint State Government Commission acknowledges the cooperation of the staff of the Department of Labor and Industry, Bureau of Workmen's Compensation and Bureau of Employment Security, who furnished statistical data in connection with the study.

Baker Royer, Chairman

Joint State Government Commission
Capitol Building
Harrisburg, Pennsylvania
March, 1959

Section I

PAST AND PRESENT CASE LOAD AND COST

Over the period June 1, 1947, to November 11, 1958, the number of total disability and death benefit cases under the occupational disease law increased from 678 to 5,259 (Table 1). Commonwealth expenditures for claims rose from \$541,908 for the biennium 1947-1949, to \$8,100,000 for the biennium 1955-1957, and to \$14,492,078 for the first seventeen months of the biennium 1957-1959.

Examination of the composition of the case load as of September 25, 1958, showed that silicosis accounted for 99.8 percent of the load; anthracosilicosis alone, for 93.4 percent. In 92 percent of the cases, the Commonwealth carried 100 percent liability; in the remaining 8 percent, financial responsibility was divided between the Commonwealth and employers.

Table 1

Number of Total Disability and Death Cases
Under the Occupational Disease Law
Commonwealth Expenditures and Appropriations
Biennia 1947-1949 to 1957-1959

Biennium	Number of Cases as of Beginning of Biennium ¹	Commonwealth Award Payments During Biennium ²	Appropriations Including Deficiency Appropriations
(1)	(2)	(3)	(4)
1947-1949	678	\$ 541,908	\$ 750,000
1949-1951	1,146	598,629	1,150,000
1951-1953	1,521	1,450,000	1,650,000
1953-1955	1,364	1,025,000	1,025,000
1955-1957	1,459	8,100,900	8,100,000
1957-1959	3,251	14,492,078 ^a	13,000,000
November, 1958	5,259 ^a		

¹ The number of cases shown in column (2) is the number of active cases on the last payroll in May, including recipients who received their first checks on that date.

² Total Commonwealth expenditures for occupational disease claims exclusive of administrative expenses.

^a As of November 11, 1958.

SOURCES: Columns (2) and (3): Pennsylvania Department of Labor and Industry, Bureau of Workmen's Compensation; column (4): Appropriations Acts, Sessions of 1947-1949 through 1957-1959.

Table 2

Biweekly Case Load and Biweekly Commonwealth Expenditures, Exclusive of Administrative Expenses, Under the Occupational Disease Law for Total Disability and Death Claims in the Anthracite Region and in the Rest of Pennsylvania, as of September 25, 1958

County or Area	Case Load		Commonwealth Expenditures	
	Number ¹	Percent of Total	Amount	Percent of Total
(1)	(2)	(3)	(4)	(5)
Carbon	285	5.5%	\$ 18,141	5.8%
Columbia	18	.3	1,140	.4
Lackawanna	487	9.4	30,574	9.8
Luzerne	2,796	54.0	174,219	55.9
Northumberland	152	2.9	9,333	3.0
Schuylkill	897	17.3	54,806	17.6
Anthracite Region—Total	4,635	89.5%	\$288,213	92.5%
Rest of Pennsylvania ..	541	10.5	23,328	7.5
Pennsylvania Total ..	5,176	100.0%	\$311,541	100.0%

¹ The number of cases shown in column (2) is the number of active cases as of September 25, 1958, including recipients who received their first checks on that date.

SOURCE: Pennsylvania Department of Labor and Industry, Bureau of Workmen's Compensation.

In the fall of 1958, about 90 percent of total biweekly case load and 93 percent of total biweekly expenditures were concentrated in the anthracite-producing counties of Carbon, Columbia, Lackawanna, Luzerne, Northumberland and Schuylkill, hereafter referred to as "the anthracite region" (Table 2). Luzerne County accounted for 54 percent of the total biweekly number of cases and 56 percent of the total biweekly Commonwealth cost. The evidence suggests that the geographic distribution of case load has been relatively stable in the recent past.

¹ The counties included in the anthracite region accounted for 99 percent of total anthracite production in 1956, and each of these counties produced in excess of 800,000 tons during that year.

Section II

ECONOMIC CHARACTERISTICS OF THE
ANTHRACITE REGION

A. Anthracite and Its Competitors

Between 1900 and 1956, total energy production in the United States increased 500 percent, whereas anthracite production decreased more than 50 percent.

Specifically, production of anthracite coal, in terms of British Thermal Units (B.T.U.'s), decreased from 1,457 trillion B.T.U.'s in 1900 to 726 trillion B.T.U.'s in 1956, although total energy production rose from 7,893 trillion B.T.U.'s to 41,210 trillion B.T.U.'s (Chart I). Anthracite production decreased from 18.4 percent of total energy production in 1900 to but 1.8 percent in 1956. In contrast, the relative share in total energy production of the competitive fuels, petroleum and natural wet gas, increased from 7.9 to 62.7 percent.

B. Anthracite Markets

In view of the decline in the use and production of anthracite, it is informative to examine the changes, absolute and relative, in the size of the major anthracite markets (Table 3).

TABLE 3

CONSUMPTION OF ANTHRACITE COAL BY MAJOR MARKETS
1946 AND 1957

Market	1946		1957	
	Net Short Tons in Thousands ¹	Per- cent	Net Short Tons in Thousands ¹	Per- cent
(1)	(2)	(3)	(4)	(5)
Space Heating ²	46,100	76.2%	16,200	64.6%
Industrial (Utilities, Railroads, Briquette Manufacturers, Cok- ing Industry)	5,900	9.8	4,300	17.1
Exports	6,500	10.7	4,300	17.1
Collieries	2,000	3.3	300	1.2
Total Consumption and Ex- ports	60,500	100.0%	25,100	100.0%

¹ Data rounded.

² Estimated. For details of estimating procedure see Note 2, Appendix Table A-4.

Note: For detail, see Appendix Table A-4.

SOURCE: Adapted from data published in Minerals Yearbook, 1946, 1957, United States Bureau of Mines.

In absolute terms, each of the principal markets showed significant decline during the period 1946 to 1957. Anthracite in the United States has been used principally as a space-heating fuel (home and business), and as an industrial fuel. However, substitution of oil and gas for home and business space heating has adversely affected the space-heating market. The decrease in anthracite consumption by railroads is largely attributable to the substitution of diesel for steam engines, and to the decreased utilization of railroads as a means of transportation. Foreign markets for anthracite, like the major United States markets, have fallen off since World War II.

As regards changes in relative importance of major markets, it should be noted that by 1957 space heating had decreased from 76.2 to 64.6 percent of total anthracite consumption; industrial use increased from 9.8 to 17.1 percent, and exports to foreign countries from 10.7 to 17.1 percent.

In view of the over-all shrinkage of all major markets, including industrial anthracite consumption, the areas of expansion in anthracite use are of strategic importance. Anthracite's use in coke production grew from 238,812

net tons in 1946 to 389,000 net tons in 1957; between 1954 and 1957, consumption of anthracite by sintering plants rose from a negligible amount to an estimated 885,000 net tons. In addition, the steel industry is experimenting with the substitution of anthracite for coke. Some explorations have been undertaken in the conversion of anthracite to fuel gas.

At present, however, the quantity of anthracite absorbed by markets which have shown expansion is relatively small, and future behavior of both declining and expanding markets is a matter of conjecture. In passing, it should be pointed out that wider fluctuations in hard coal output may follow from an increasing dependence upon industrial markets, such as the steel industry, which are subject to relatively wide variations in production.

C. Anthracite Production and Employment

The decline in the markets for anthracite has affected both production and employment in the anthracite industry.

Examination of Chart II shows:

1. In the period 1926 (highest post-World War I employment year) to 1957, anthracite production declined from approximately 84,400,000 to 25,300,000 net short tons; average annual employment decreased from 165,400 to 30,800.

2. Declines in production and employment showed marked variations over the period under review. For example, between 1926 and 1938, decreases in the average number of employees sometimes preceded and sometimes followed decreases in production; however, since 1938, employment has, generally, declined more rapidly than production.

3. During the period 1938 to 1944, the short-lived increase in production was associated with a virtually constant decrease in the average number of employees. Specifically, during this short period, production increased from 46,100,000 tons to 63,700,000 tons, but the employment decreased from 96,400 to 77,600.

The more rapid decline in employment than in production for the period 1938 to 1957 can be largely explained by reference to changes in hours and days worked and to the relative increase in mechanically loaded tonnage in underground mines and the expansion of strip mining operations and culm bank exploitation (Chart III).

The chart shows that, for the period 1938 to 1957, the percentage of anthracite production attributable to underground mining decreased from 82.7 to 49.8 percent. The proportion of coal which was hand loaded underground fell from 60.7 percent of total production to 23.5 percent, while underground mechanical loading increased from 22.0 to 26.3 percent. Over the same period, the relative output attributable to strip mining increased from 11.0 to 29.8 percent; and that attributable to culm bank mining, from 5.1 to 17.8 percent.

D. Alternative Employment Opportunities

Industries can be classified broadly as "product" industries (i.e., manufacturing, farming, mining) and "non-

product" industries (i.e., contract construction, transportation, communication, finance, insurance and real estate, and services).

It is widely agreed that employment offered by "non-product" industries depends, in large part, upon economic conditions in "product" industries. Of the "product" industries in the anthracite region offering alternative employment to mining, farming has been economically inconsequential. Therefore, it becomes pertinent to investigate the development of manufacturing that took place concurrently with the decrease in anthracite production. Chart IV traces the region's employment in mining and manufacturing for the years 1930, 1940, 1950 and 1957.

In 1930, approximately 158,000 persons in the anthracite region were employed in mining and about 89,000 in manufacturing. By 1940, employment in mining had dropped to 89,000, and in manufacturing, to approximately 66,000. In other words, decreases in mining employment between 1930 and 1940 were not compensated for by increases in manufacturing employment.

By 1950, the number of employees in mining had decreased to 75,000, while manufacturing employment had increased to 112,000. In the 1940's, decreases in mining jobs were more than offset by increases in employment opportunities in manufacturing.

However, this encouraging development did not continue through subsequent years. Between 1950 and 1957, mining employment further declined from 75,000 to an approximate 30,000, a decline offset only in small measure by an increase to 122,000 in the number of manufacturing employees.

For a detailed view of employment changes during the period 1951-1957, Table 4 presents data in terms of the number of gainfully employed in anthracite region industries covered by unemployment compensation, and the net changes.² Employment in the anthracite mines decreased by 40,167, while employment in manufacturing increased by only 37. Furthermore, employment in industries other than mining and manufacturing decreased by 6,997.

In passing, it should be noted that textile mills in the anthracite region, which provided 9,596 fewer jobs in 1957 than in 1951, appear to be following the national pattern of North-South migration.

E. Industrial Productivity

Although changes in the number of men and women who are offered employment by industry in a given region are indicative of changes in economic conditions, a measure of economic potential is furnished by what is commonly known as "value added per employee."

Briefly, "value added" by an industry equals the value of total sales, minus the cost of purchases.³ In other words, it represents the margin available for wage payments and returns to capital. Generally speaking, the greater the value added per worker, the higher the wage, and the greater the productivity of the given industry.

² It should be observed that the figures presented in Table 4 and those underlying Chart IV for 1930, 1940 and 1950 are not, strictly speaking, comparable. For details, see Appendix Table A-7. In addition, 1950 data still reflect the impact of the recession of 1949.

³ Value added by manufacture equals value of shipments by manufacturing establishments, less cost of materials, supplies and containers, fuel purchased, electrical energy, and contract work.

TABLE 4
EMPLOYMENT IN THE ANTHRACITE REGION BY INDUSTRY
1951 AND 1957

Industry	Number of Employees		
	1951	1957	Net Change 1951-1957
(1)	(2)	(3)	(4)
Anthracite Mining	70,146	29,979	-40,167
Manufacturing	122,329	122,366	+ 37
Ordinance and accessories	192	3,685	+ 3,493
Food and kindred products	8,117	7,548	- 569
Tobacco manufacturing	5,066	5,542	+ 476
Textile mill products	24,224	14,628	- 9,596
Apparel and related products	43,252	46,852	+ 3,600
Lumber and wood products	1,634	1,025	- 609
Furniture and fixtures	2,612	1,948	- 664
Paper and allied products	714	767	+ 53
Printing and publishing	3,867	4,601	+ 734
Chemicals and allied products	2,236	3,060	+ 824
Products of petroleum and coal	74	97	+ 23
Rubber products	2	62	+ 60
Leather and leather goods	3,669	5,712	+ 2,043
Stone, clay, and glass products	917	999	+ 82
Primary metal industries	6,985	5,778	- 1,207
Fabricated metal products	4,237	4,330	+ 93
Machinery (except electrical)	3,018	3,591	+ 573
Electrical machinery	3,984	4,311	+ 327
Transportation equipment	5,779	4,889	- 890
Professional and scientific instruments	62	322	+ 320
Miscellaneous manufacturing industries	1,688	2,559	+ 871
Contract construction	8,941	7,325	- 1,616
Transportation and communication	14,645	14,706	+ 61
Wholesale and retail trade	55,151	51,424	- 3,727
Finance, insurance, and real estate	6,712	7,473	+ 761
Service industries	18,253	15,813	- 2,440
Miscellaneous industries	188	152	- 36

Note: Employment in terms of workers covered by State unemployment compensation laws for the pay period nearest the fifteenth of March.

SOURCE: Statistical Information Bulletin No. 123, Pennsylvania Department of Labor and Industry, Bureau of Employment Security, and additional unpublished data furnished to the Joint State Government Commission by the Bureau.

Chart V shows for the anthracite region (solid line) and for the rest of Pennsylvania (dotted line), as of 1956, relative employment (horizontal scale) in manufacturing industries characterized by varying levels of value added per employee (vertical scale). The industries are ordered on the basis of value added per employee.

The chart should read as follows: The chemical industry in the anthracite region (number 28 on the solid line) produced a value added per employee of \$14,390 (vertical scale) and employed about 2 percent (horizontal scale) of manufacturing workers in the region; similarly, in Pennsylvania, exclusive of the anthracite region, the chemical industry (number 28 on the dotted line) produced a value added per employee of \$14,660 and employed about 3 percent of the manufacturing workers.

Turning from the highest productivity industry (chemicals) to the lowest productivity industry (apparel), it should be noted that, in the anthracite region, 39 percent of all manufacturing employees were working in the apparel industry, which had a value added per employee of \$2,970. In the rest of Pennsylvania, the apparel industry had a value added per employee of \$3,800 and accounted for 8 percent of total employment.

As indicated by the chart, 50 percent of the gainfully employed in manufacturing in the anthracite region were employed by industries producing a value added per employee of \$4,230 or less. In the rest of Pennsylvania, 50 percent of the gainfully employed in manufacturing were employed by industries producing a value added per employee of \$8,670 or less.

The chart permits the following generalizations:

1. The average value added per employee with each manufacturing industry group (except tobacco) was lower in the anthracite region than in the rest of the

Commonwealth.⁴ On the average, value added per employee for all manufacturing was \$5,010 in the anthracite region, and \$8,270 in the rest of Pennsylvania.

TABLE 5
POPULATION AND POPULATION CHANGES IN PENNSYLVANIA,
ANTHRACITE REGION, AND REST OF THE STATE
SELECTED YEARS 1930-1957

Year	Anthracite Region		Rest of Pennsylvania		
	Total	Percent of Penn- sylvania	Total	Percent of Penn- sylvania	Total Penn- sylvania
(1)	(2)	(3)	(4)	(5)	(6)
1930	1,231,698	12.8%	8,399,652	87.2%	9,631,350
1940	1,211,127	12.2	8,689,053	87.8	9,900,180
1950	1,078,347	10.3	9,419,665	89.7	10,498,012
1957 ¹	1,008,788	9.1	10,034,209	90.9	11,042,997
1930-1957 Population Change					
Number ..	222,910		+ 1,634,557		+ 1,411,647
Percent ..	18.1%		+ 19.5%		+ 14.7%
1950-1957 Population Change					
Number ..	69,559		+ 614,544		+ 544,985
Percent ..	6.5%		+ 6.5%		+ 5.2%

¹ Estimate by Pennsylvania State Planning Board.
SOURCES: Census of the United States, 1930, 1940, and 1950; Pennsylvania State Planning Board data.

2. A larger proportion of total manufacturing employment was concentrated in low productivity industry groups in the anthracite region than in the rest of the Commonwealth.

Apparel and leather, the industries in the anthracite region showing the greatest increases in employment (exclusive of ordinance) during the period 1951-1957 (Table 4), had, in 1956, a value added per employee of \$2,970 and \$3,580 respectively.

As regards the relative productivity of mining and manufacturing, it should be noted that, in 1956, the value added per employee in mining was \$4,940, and in manufacturing, \$5,010.

F. Population and Economic Opportunity

Absolute and relative declines in the economic position of the anthracite region explain, in large part, the population decline which has taken place since 1930.

From 1930 to 1957, population of the anthracite region declined by 18.1 percent, while that of the rest of the state increased by 19.5 percent (Table 5). During the period 1950 to 1957, the area's population decreased by 6.5 percent; the rest of the state showed an increase of 6.5 percent. As a result of these relative changes, the population of the anthracite region, as a proportion of total Pennsylvania population, decreased from 12.8 percent in 1930 to 10.3 percent in 1950 and to 9.1 percent in 1957.

Section III

THE OCCUPATIONAL DISEASE LAW: BACKGROUND AND CHANGES

A. Purpose of Workmen's Compensation Laws

Pennsylvania's first workmen's compensation statute was passed in 1915.¹

This enactment followed the direction of studies by the 1911² and 1913³ Sessions of the General Assembly, and

⁴ Value added per employee for a manufacturing industry group does not necessarily reflect the productivity of any single establishment within the group.

¹ 1915, June 2, P. L. 736.

² 1911, June 14, P. L. 917.

³ 1913, June 27, P. L. 650.

became operative only after the adoption of a constitutional amendment. The amendment, approved November 2, 1915, added the following to Article III, Section 21:

"The General Assembly may enact laws requiring the payment by employers, or employers and employes jointly, of reasonable compensation for injuries to employes arising in the course of their employment, and for occupational diseases of employes, whether or not such injuries or diseases result in death, and regardless of fault of employer or employe, and fixing the basis of ascertainment of such compensation and the maximum and minimum limits thereof, and providing special or general remedies for the collection thereof; . . ."

Briefly, the purpose of the Pennsylvania statute, like that of comparable statutes in other states, was to provide wage earners with a measure of compensation for job-connected injuries resulting from industrial accidents.

Although prior to the enactment of workmen's compensation statutes the injured wage earner had recourse to common law remedies, such defenses as the fellow-servant doctrine, assumption of risk, and contributory negligence made recovery exceedingly difficult, if not impossible.

The sum and substance of the workmen's compensation statute involved a voluntary relinquishment on the part of both employers and employes of common law rights and remedies, and the substitution of a contractual relationship between employers and employes which provided for schedules of payments for statutorily defined industrial injuries. The burden of financing these payments was placed upon employers. It was argued at the time that employers, in an effort to maintain their competitive position, would strive to minimize their costs by the installation of safety devices. As regards the incidence of the costs of workmen's compensation, however, it has been stated that ". . . the consumer of a particular product ultimately pays the cost of compensation protection for the workers engaged in its manufacture . . ."

It should be noted that The Pennsylvania Workmen's Compensation Act of 1915, as well as most of the comparable acts of other states, originally contemplated compensation for occupational injuries only. What have come to be known as occupational diseases, such as disability incurred by virtue of exposure to poisonous or injurious substances prevalent at the place of employment, were not covered by the original act.

In 1932, a commission of ten members was appointed by Governor Pinchot to conduct a study of occupational disease hazards within the Commonwealth. The recommendations of the commission, known as The Pennsylvania Commission on Compensation for Industrial Disease, were presented by the Governor to the General Assembly at the 1933 Session.

In the light of the contemporary importance of anthracosilicosis as an occupational disease, it may be noted that the commission of 1932 observed in its report (Appendix to the Legislative Journal, Session of 1933, Volume VI, Occupational Disease: Compensation Report by The Pennsylvania Commission on Compensation for Industrial Disease, pages 7365 to 7394):

"7. Your Commission is of the opinion that the diseases

which will be of major importance and which will present the greatest difficulties as administrative problems, are silicosis and/or miners' asthma, and further believes that any act which includes them as compensable diseases must contain special provisions outlining the course of procedure to be followed in determining in a given case whether or not a claimant is entitled to compensation, and which employer or employers shall be held liable therefor."

b. Eligibility and Medical Review

It would appear that the most consequential change in eligibility requirements subsequent to 1939 was made in 1952.²⁸ Until amended in 1952, Section 301 (e) read:

"(e) Compensation shall not be payable for partial disability due to silicosis, anthraco-silicosis, or asbestosis. Compensation shall be payable, as otherwise provided in this act, for total disability or death caused solely (as definitely distinguished from a contributory or accelerating cause) by silicosis, anthraco-silicosis, or asbestosis, or by silicosis, anthraco-silicosis, or asbestosis, when accompanied by active pulmonary tuberculosis." (Emphasis supplied.)

Table 6

Changes in Size of Maximum Award
Payable Under the Pennsylvania
Occupational Disease Act of
1939, and Its Amendments, by
Effective Dates

Effective Date of Act	Size of Maximum Award
(1)	(2)
October 1, 1939	\$ 3,600
July 1, 1945	4,000
July 1, 1949	5,000
January 2, 1952	6,500
September 1, 1953	7,500
March 1, 1956	10,000

Note: For further details see Appendix Table A-1.

The amendment of 1952 deleted the phrase "solely (as definitely distinguished from a contributory or accelerating cause)" so that as the section now stands it reads:

"(e) Compensation shall not be payable for partial disability due to silicosis, anthraco-silicosis, or asbestosis. Compensation shall be payable, as otherwise provided in this act, for total disability or death caused by silicosis, anthraco-silicosis, or asbestosis, or by silicosis, anthraco-silicosis or asbestosis, when accompanied by active pulmonary tuberculosis." (Emphasis supplied.)

After the passage of the amendment which removed solely from the statute, Leo G. Knoll, then Chairman of the Workmen's Compensation Board observed:

"Under the amendment of January 2, 1952, with the use of the word 'cause' without a qualified condition, the administrative authorities and the Appellate Courts will undoubtedly be in a position to grant compensation for total disability or death where silicosis or anthraco-silicosis is a secondary cause. It appears to the writer that the Legislature definitely intended to broaden the

⁴ Arthur Larson, *The Law of Workmen's Compensation*, Volume I, Section 3.20 (New York: Matthew Bender & Company, Incorporated, 1952), Page 17.

²⁸ 1952, January 2, P. L. (1951) 1811, § 1.

effect of this section and include silicosis cases wherein 'primary' and 'the immediate cause' of total disability or death have a causal relationship."²⁴

In addition, it should be noted that the medical board was abolished in 1952.²⁵

c. Commonwealth Liability

Commonwealth financial responsibility has been increased directly and indirectly by amendments to the Act of 1939.

Legislative enactments affecting the Commonwealth's financial obligation directly are: (1) The amendment of 1949²⁶ postponing the date of termination of Commonwealth liability from October 1, 1949, to September 30, 1951; (2) the amendment of 1952, providing for the Commonwealth assumption of 40 percent of all compensation payable upon claims arising after September 30, 1951.²⁷

As regards amendments affecting Commonwealth financial responsibility indirectly, it may be noted that prior to September 1, 1953, Section 301 (g), relating to employer liability, read in part as follows:

"(g) The employer liable for the compensation provided by this article shall be the employer in whose employment the employe was last exposed to the hazard of the occupational disease claimed, regardless of the length of time of such last exposure: Provided, That when a claimant alleges that disability or death was due to silicosis, anthraco-silicosis, asbestosis or any other occupational disease which developed to the point of disablement only after an exposure of five or more years, the only employer liable shall be the last employer in whose employment the employe was last exposed to the hazard of such occupational disease during a period of six months or more after the effective date of this act: . . ."

The amendment of 1953²⁸ added the following proviso to Section 301 (g):

". . . And provided further, That in those cases where disability or death is not conclusively proven to be the result of such last exposure, all compensation shall be paid by the Commonwealth. . . ." (Emphasis supplied.)

As to the effects of this amendment, the Workmen's Compensation Board, in a unanimous decision, said:

"The purpose or reason for the enactment of Sec. 301 (g) is both obvious and sound. It has always been the practice in the anthracite coal fields for miners and laborers to shop about for the most desirable working places as mining conditions vary from time to time and from mine to mine. A good breast with desirable pitch is more profitable or desirable to the miner and his laborers than a flat one where sheet iron has to be used and the coal pushed by hand. Some miners are accustomed to working in flat work and some on steep pitches, and rather than work in a place to which they are not accustomed, miners will shift from one employer to another.

"With the increase in the rate and amount of compensation for silicosis or anthraco-silicosis, it is understandable that no employer would accept a miner with a record of years of employment with another employer because of the potential hazard incident to the occupational disease liability. Hence, the good and experienced

miner when once employed, due to the change in working conditions or the closing of a mine, would find it practically (if not totally) impossible to secure employment with another employer. No employer would be willing to assume such a burden in view of the keen competition and profit factor prevailing in this industry.

"Hence, it appears clear and self-evident that the purpose of Sec. 301 (g) was not only to help the anthracite industry but also to prevent workmen from becoming indentured servants of the present employer where they had been exposed to the hazards of anthracite mining for a number of years. Indeed, Sec. 301 (g) is a great humanitarian provision and its help to the anthracite industry, while very important, is also significantly helpful to human freedom and rights.

"It is only too well known that a number of mines have closed in the last few years and it would be indeed a cruel law and great deception to those seemingly benefitted by increased payments if by so doing they are deprived of an opportunity to gain future employment where the mine at which they work is exhausted or forced to close down by the inexorable law of economics. To have won a victory of increased benefits and to have lost the opportunity for employment would indeed appear to be inconsistent with a true definition of justice. To liberalize the benefits of the law, the Legislature had to ameliorate the effects upon an already sick industry and to protect the workmen's freedom of contract, in accordance with the American way of life, which the workers of the anthracite region cherish the same as the workers in the mills, in the factories, on the farms, or in the forests."²⁹

The commission further observed:

"11. The Commission, appreciating the lack of sufficient information as to the exact nature and prevalence of chronic incapacitating miners' asthma, unanimously recommends that a survey be made by the U. S. Bureau of Public Health Service with the cooperation of the employers and employees in the anthracite coal regions."

Subsequent to the commission's report, the Pennsylvania Department of Health, in collaboration with the United States Public Health Service, made a study of the incidence and effects of anthracosilicosis based upon detailed investigations conducted in three anthracite coal mines. The findings of the study were presented in a report published in 1934.³⁰

B. The Occupational Disease Acts of 1937 and 1939

1. Act of 1937

The Occupational Disease Compensation Act of 1937,³¹ enacted as a supplement to the Pennsylvania Workmen's Compensation Act of 1915, established separate and distinct provisions for coverage of silicosis, anthracosilicosis, and asbestosis.

a. Eligibility Requirements and Medical Review

The Act of 1937 limited payment of compensation for silicosis, anthracosilicosis and asbestosis to a claimant:

²⁴ 77 FS, Foreword ix, xxi.
²⁵ 1952, January 2, P. L. (1951) 1811, § 4.
²⁶ 1949, May 14, P. L. 1379, § 3.
²⁷ 1952, January 2, P. L. (1951) 1811, § 2.
²⁸ 1953, August 24, P. L. 1389, § 1.

²⁹ Albert B. Smith v. Glen Alden Corporation, Opinion of the Workmen's Compensation Board: Appeal No. A-41104, May 8, 1957.

³⁰ Anthraco-Silicosis (Miners' Asthma), A Preliminary Report of a Study Made in the Anthracite Region of Pennsylvania by U. S. Public Health Service, Harrisburg, Pennsylvania; (Commonwealth of Pennsylvania, Department of Labor and Industry, Bureau of Industrial Standards) 1934.

³¹ 1937, July 2, P. L. 2714.

(1) who had an aggregate employment in the Commonwealth of at least two years in the eight next preceding the date of disability;⁷

(2) who was employed in an occupation having a silica or asbestosis hazard;⁷

(3) who could show total disability or death caused primarily (as definitely distinguished from a contributory or accelerating cause) by silicosis, anthracosilicosis, or asbestosis, or by such causes when accompanied by active pulmonary tuberculosis or streptococcal infection;⁸

(4) whose disability developed within two years after the last exposure to the occupational hazard; or, if a death claim, such death to have occurred within five years following total disability.⁹

In all cases involving claims for silicosis and anthracosilicosis, the Act required controverted medical issues to be referred to a medical advisory board appointed by the Workmen's Compensation Board or referee; and made the reports and findings of the medical advisory board evidence to be considered together with other medical evidence offered on behalf of the claimant or employer.¹⁰

b. Liability

The Act of 1937 made the employer, in whose employ the employee was last exposed to the occupational hazard, liable¹¹ and provided for compensation payable jointly by the Commonwealth and the employer during the first ten years after the effective date of the Act. For disability or death occurring during the first such year, the Commonwealth's share was 90 percent and decreased 10 percent each succeeding year until the employer's share reached 100 percent. Thereafter, the Act provided that the employer pay the compensation in full.¹² The liability of the employer was limited to \$3,600.

2. Act of 1939

The Pennsylvania Occupational Disease Act of 1939,¹³ which repealed the Act of 1937, was not a supplement to or a part of The Workmen's Compensation Act of 1915; it provided for separate and distinct procedures in the case of silicosis, anthracosilicosis and asbestosis.

a. Eligibility Requirements and Medical Review

The Act of 1939 limited payment of compensation for silicosis, anthracosilicosis and asbestosis to a claimant:

(1) who had an aggregate employment in the Commonwealth of at least four years in the eight next preceding the date of disability;¹⁴

(2) who was employed in an occupation having a silica or asbestos hazard;¹⁴

(3) who could show total disability or death, caused solely (as definitely distinguished from a contributory or accelerating cause) by silicosis, anthracosilicosis, or asbestosis, or by such causes when accompanied by active pulmonary tuberculosis;¹⁵

(4) whose disability developed within one year of last employment, or if a death claim, such death to have occurred within three years after last employment;¹⁶

(5) whose compensation has been agreed upon or one

of the parties has filed a petition within one year after disability began or death occurred; unless compensation had been paid, then, within one year of the date of the most recent payment.¹⁷

Upon appeal to the Workmen's Compensation Board, the Act required controverted medical issues to be referred to a three-member medical board to be appointed by the Secretary of Labor and Industry, with the approval of the Governor.¹⁸ Findings of the medical board were made conclusive and binding on The Workmen's Compensation Board.¹⁹ However, no appointments to the medical board were made until June 1, 1950. (See *Unora v. Glen Alden Coal Co.*, 171 Pa. Superior Ct. 29, 31, footnote.)

b. Liability

The 1939 Act made the employer, in whose employ the employee was last exposed to the silica or asbestos hazard for six months or more after the effective date of the Act, liable,²⁰ and provided for compensation payable jointly by the Commonwealth and the employer for ten years from October 1, 1939. During the first two years the Commonwealth's share was 50 percent, and decreased 10 percent each succeeding 2-year period until October 1, 1949; thereafter, the Act provided that such employer pay the compensation in full.²¹ Maximum compensation was limited to \$3,600.

C. The Act of 1939, Amended and Interpreted

Present law consists of the Pennsylvania Occupational Disease Act of 1939, as extensively amended. Generally speaking, amendments have been concerned with (1) increases in the size of maximum awards, (2) liberalization of eligibility requirements, and (3) increased Commonwealth assumption of liability. As a result of the numerous amendments, the administration of the Act has undergone marked changes.

1. Legislative Amendments

a. Size of Award

It can be seen in Table 6 that the maximum award for total disability due to silicosis, anthracosilicosis, or asbestosis increased from \$3,600 in 1939 to \$10,000 in 1956. Concurrently, allowances for medical and funeral expenses have been increased with award changes.²²

2. Judicial and Administrative Interpretations

a. Judicial Interpretations

A basic judicial precept in the interpretation of compensation laws is that they shall be construed in a liberal manner so as to effectuate their humanitarian purposes. In noting specific applications of this precept, it may be recalled that the interpretation of the concept of total disability, as it is applied in occupational disease cases, arose from interpretations of cases under workmen's compensation laws which preceded occupational disease legislation.

In the interpretation of the Workmen's Compensation Law, the word "disability" has been regarded as synonymous with the loss of earning power. For instance, in

⁷ Ibid. § 5 (a).

⁸ Ibid. § 5 (b).

⁹ Ibid. § 6 (b).

¹⁰ Ibid. § 10.

¹¹ Ibid. § 9.

¹² Ibid. § 7 (a).

¹³ 1939, June 21, P. L. 566, No. 284.

¹⁴ Ibid. § 301 (d).

¹⁵ Ibid. § 301 (e).

¹⁶ Ibid. § 301 (c).

¹⁷ Ibid. § 315.

¹⁸ Ibid. § 402.

¹⁹ Ibid. § 420.

²⁰ Ibid. § 301 (g).

²¹ Ibid. § 308 (a).

²² See Appendix Table A-1.

the case of *Woodward v. Pittsburgh Engineering & Construction Co.*,³⁰ the Supreme Court stated:

"... The disability contemplated is the loss totally or partially of the earning power from the injury ..."

This interpretation has been carried over and applied to the occupational disease law.

As the Superior Court observed in the case of *Hurtuk, Appellant, v. H. C. Frick Coke Company*,³¹

"The principal question raised is whether the claimant is totally disabled¹ within the meaning of the act. The compensation authorities have found that although the claimant is totally disabled as a coal miner, he is able to do work of a lighter nature. Appellant contends that from this finding it must follow, as a matter of law, that claimant is totally disabled. We do not agree with this contention. The Occupational Disease Act of 1939, supra, does not define the word 'disabled.' The Occupational Disease Compensation Act of July 2, 1937, P. L. 2714, § 3, 77PS § 1103, repealed by the Act of 1939, provided: 'The word "disabled," as herein used, means disabled from earning full wages in the employment in which the employee was employed.' Concerning this definition, we said in *Rando v. State Workmen's Insurance Fund et al.*, 145 Pa. Super. 386, 389, 21 A. 2d 530, 531: '... we understand [it] to mean that if the occupational disease prevents the employee from earning full wages in that employment, he is disabled, partially or totally, depending on whether he can earn some wages, but not full wages, or none at all.' (Italics supplied.) To determine whether the claimant is partially or totally disabled by the occupational disease, we may use as a guide our workmen's compensation cases involving accidents: *Jones v. Phila. & Reading Coal & Iron Co. et al.*, 154 Pa. Super. 513, 36 A. 2d 172.

"The general rule is that if the claimant is unable to do light work he is entitled to compensation for total disability: *Consona v. R. E. Coulborn & Co. et al.*, 104 Pa. Superior 170, 158 A. 300; *Jones v. Phila. & Reading Coal & Iron Co. et al.*, supra. The case of *Babcock v. Babcock & Wilcox Co. et al.*, 137 Pa. Superior 517, 9 A. 2d 492, pointed out the distinction between '... those who are able to do light work in general and those who are so limited in capacity that they are only fitted to perform special service ...' (Italics supplied.) If the claimant is able to do light work in general, he is only partially disabled: *Tomlinson v. Hazle Brook Coal Co.*, 116 Pa. Superior 128, 176 A. 853; *Earley v. Phila. & Reading Coal & Iron Co.*, 144 Pa. Superior 301, 19 A. 2d 615; *Hughes v. H. Kellogg & Sons et al.*, 139 Pa. Superior 580, 13 A. 2d 98. After a careful review of the record in the instant case, we conclude there is ample evidence to support the finding of the compensation authorities that the claimant is able to do light work in general, and not only light work of a selective nature as appellant contends. The testimony of the medical expert definitely indicates that light work in general is what he had in mind. Reading from his report, he first mentioned light work which would not require sustained physical effort. When asked to be more specific, he suggested the jobs of an elevator operator or a watchman. He af-

firmatively said that the claimant could do the work of an attendant at the lamp house. But these were merely suggestions or examples; no exact type of work was specified. There was not the slightest implication that he could perform only work of a selective nature or highly specialized character. The only restrictions placed by the medical expert were that the work must not require very much physical exertion (light work) and that it be free from the dust of the mine. Since the claimant is able to do light work, it may be presumed that such work is available: *Consona v. R. E. Coulborn & Co. et al.*, supra; *Babcock v. Babcock & Wilcox Co. et al.*, supra. We think it was properly concluded that the claimant was not totally disabled within the meaning of the act."

The Act of 1939 required that an employee, in order to be eligible for compensation, had to be totally disabled "solely (as definitely distinguished from a contributory or accelerating cause)" by silicosis, anthracosilicosis or asbestosis. In 1952, this phrase was removed from Section 301 (e). Two recent lower court decisions illustrate the possible effect of this amendment.

In the case of *Minaka v. Hudson Coal Company*, 56 Lack. Jur. 101 (1955), the court said concerning Section 301 (e):

"The position of the defendant seems to be that the testimony taken in the light most favorable to the claimant does not meet the standard required by Section 301 (e), 77 P. S. 1401 (e), as amended. This section disallows compensation for partial disability due to anthracosilicosis but only permits compensation for total disability caused by anthracosilicosis. It is to be noted that Section 301 (e), as amended in 1951, ... struck from the prior law the provision that the total disability or death must be caused 'solely (as distinguished from a contributory or accelerated cause) ... by anthracosilicosis.' It follows, therefore, and is so conceded by the defendant that anthracosilicosis no longer need be the sole cause of the disability or death, but the defendant presents the theory that the evidence must support the finding that the degree of anthracosilicosis in itself must be sufficient to cause total disability and, if there is neither evidence nor finding to that effect, that the Board cannot rest any award on a finding that the anthracosilicosis contributes substantially to the total disability.

"... It seems, therefore, that the Board was on solid legal ground in its finding that the anthracosilicosis is a cause of the total disability of the claimant, and if it is a cause of the total disability, why therefore is it not compensable? If we do not so hold we are back in practical effect to forcing the claimant to prove that anthracosilicosis would be the sole cause of total disability, contrary to the evident intention of the legislature in removing from the law by the amendment of 1951 the provision that the disability had to result solely from the anthracosilicosis. In our opinion, the Workmen's Compensation Board reached a correct conclusion in its findings of fact, and having done so its conclusions of law based thereon are likewise correct.

"This holding is consistent with the principle of interpretation well expressed in *Nickolay v. Hudson Coal Co.* 164 Pa. Super. Ct. 550, at page 552:

"We are dealing with a statute which must be liberally construed to effectuate its remedial and humanitarian purposes, and a claimant can be debarred from

³⁰ 293 Pa. 338 (1928).

³¹ 157 Pa. Superior Ct. 317 (1945).

¹ "Compensation shall not be payable for partial disability due to silicosis, anthracosilicosis, or asbestosis. Compensation is payable only for total disability caused by these diseases. Occupational Disease Act of 1939, supra.

its benefits only by a finding of fact which definitely and expressly excludes him.”

Again, the Court of Common Pleas of Schuylkill County said in the case of *Helman v. State Workmen's Insurance Fund, et al.*, 51 Sch. L. R. 117 (1955):

“Can it be said that the decedent's death in the instant case was ‘caused by’ anthraco-silicosis? It is the opinion of this Court that the legislature in striking out the word ‘solely’ has relegated this provision of the Compensation Law to the law governing other Occupational Diseases. This section of the law has now been changed so that claimants suffering with anthracosilicosis, silicosis or asbestosis are now in the same category as claimants suffering from lead poisoning or other Occupational Diseases set forth in Section 108 of the Act of 1939. (Underscoring ours.)

“There is, therefore, no other interpretation that can be given to Section 301 (e) of the amended act. We are, therefore, of the opinion that if a claimant who comes under the Act of 1951 proves that his anthracosilicosis is a contributory or accelerating cause, or that there is a casual [sic] relationship between that disease and his total disability or death, it is a compensable case.”

b. Administrative Interpretations

Contemporary interpretation of the board with regard to the requirement of Section 301 (g), that total disability be conclusively proven to have resulted from exposure to the hazard of silicosis or anthracosilicosis in the employ of the last employer, is reflected in the following two opinions of the board.

In the case of *Mike Elko v. The Berwind White Coal Mining Company*, A-41131, June 26, 1957, the referee found that the claimant was totally disabled due to anthracosilicosis, awarded compensation and placed the total liability therefor upon the Commonwealth on the basis that it had not been conclusively proven that claimant's disability was the result of his last exposure to the hazard of silicosis in the employ of the Berwind White Company. The issue on appeal by the Commonwealth was as follows:

“Where a claimant is exposed to a silica hazard with the defendant for ten years from 1915 to 1925, with another coal company for eight months in 1926 and again with the defendant for 26 years, ending in September, 1955, was the referee justified in applying Sec. 301 (g) as amended 1953, and directing payment solely by the Commonwealth of Pennsylvania?” (Emphasis supplied.)

The medical testimony before the referee was to the effect that the degree of anthracosilicosis which the claimant had was the result of all exposures to the silica hazard during all of the time that he worked in the soft coal mines. The Workmen's Compensation Board noted this testimony and said:

“... Inferentially then, it means that the 8 month period in the year 1926, when the claimant worked with the Reitz Coal Co., was an instrumental part in bringing about the disablement.”

The board noting “... that it is the burden of the Commonwealth to show that the disability or death was brought about as a result of claimant's last exposure to the silica hazard” said:

“We realize that here is a case where but for eight months out of 37 years of exposure claimant works with

one employer, yet we are not one to legislate but merely a Board to interpret the meaning of the Occupational Disease Act and to apply its scope to a particular case.” (Emphasis supplied.)

In sustaining the award of the referee and dismissing the appeal of the Commonwealth, the board concluded:

“... We have borne in mind that we do not wish to become part of an absurd conclusion, yet, we are faced here with a problem which may or may not be rectified by competent medical testimony. Under the circumstances, this Board must affirm the referee's findings of fact, conclusions of law and order of award.”

Again, in the case of *Steve Honczar v. Bethlehem Mines Corporation*, A-41133, decided on the same day as the preceding case, the issue was presented as follows:

“Where the claimant is exposed to a silica hazard with one employer from 1920 until 1923 and then with the defendant company from 1923 until the termination of his employment in 1956, is the referee justified in directing that Sec. 301 (g) is applicable and that the Commonwealth of Pennsylvania is responsible for all compensation payments?”

The Workmen's Compensation Board, in affirming the award of the referee said:

“The medical testimony offered on behalf of the claimant, conclusively establishes that claimant's disability was as a result of his occupation of 36 years employment underground in soft coal mines. The Commonwealth offered no medical testimony to the contrary yet, it requests that we state that the disability was conclusively shown to be as a result of the last 33 years of exposure.” (Emphasis supplied.)

The board cited its decision in the Elko case and reiterated that it is the obligation of the Commonwealth to show by competent medical testimony that the time spent in employment with another mining company was not an “instrumental period” of exposure when taking into consideration the great length of time spent by claimant in the mines of the defendant.

In passing, it should be noted that alternative conceptions of the continuous existence of a corporate entity have an important bearing upon the interpretation of the words “last employer.” If a corporate reorganization effectuates a change in a claimant's employer, the application of the statute of necessity is much wider than if the contrary position is held.

Illustrative of this problem is the case of *Mrs. Stella Tomulonis v. State Workmen's Insurance Fund & Philadelphia & Reading Coal & Iron Company*, A-40513, April 26, 1956:

“An examination of the record reveals that it was agreed upon the record that ‘the Philadelphia & Reading Coal & Iron is a new corporation having been organized and chartered and coming into existence on January 1, 1945.’ This corporation was a complete new and separate legal entity from the corporation of the same name, for whom the decedent worked. Therefore, the decedent worked for two distinct employers and there is no conclusive proof that the disability and death resulted solely from the last exposure: BEKIAZ VS. PHILA. & READ. COAL & IRON CO., A-39658 (Board 1955).”

Administratively, the referees, in the first instance, and the Workmen's Compensation Board, on appeal, have been faced with the problem of resolving conflicting medical

testimony regarding the existence and cause of total disability.²²

In the determination of total disability, board rulings have been in accordance with the judicial interpretations cited above. For example, in the case of *Arthur Ellard v. State Workmen's Insurance Fund and Sarf Coal Company*, A-39774, August 17, 1955, the board, in resolving conflicting medical opinions as to whether or not the claimant was totally disabled, said in affirming the decision of the referee:

"The referee found that the claimant's disability resulting from anthraco-silicosis had reached the extent where he could not perform general work of a light nature but could perform only light work of a selective nature, and that, therefore, his disability was total within the meaning of the Occupational Disease Act. Accordingly, he made an award of compensation in his favor.

"We have carefully reviewed the medical testimony in the case and there is no apparent basic conflict in the opinions of the various doctors who testified. The only conflict which appears arises because of different concepts of the meaning of 'total disability,' which is a legal rather than a medical concept. (Emphasis supplied.)

"We concur in the findings of the referee as above set forth and agree with him that claimant's condition was such that he could not perform general work of a light nature and that he was, therefore, totally disabled within the meaning of the Occupational Disease Act."

With regard to the problem of whether or not total disability or death was "caused by" silicosis, anthraco-silicosis or abestosis, the Workmen's Compensation Board has made the following observations:

In the case of *Joseph Bojack v. State Workmen's Insurance Fund and Philadelphia & Reading Coal & Iron Co.*, A-41030, January 16, 1957:

"One of defendant's medical witnesses found that the claimant was totally disabled due to a heart condition and silicosis. The other doctor called by the defendant found no significant heart condition and was of the opinion that the claimant was only partially disabled due to the anthraco-silicosis. All of the medical opinion is in accord with a finding of third stage anthraco-silicosis. It is not necessary for the silicosis to be the sole cause of disability. We believe that in this case, the disease is the main cause and that the claimant is totally disabled."

Also, in the case of *Andi Selari v. National Malleable & Steel Castings Co.*, A-39897, April 13, 1955:

"We are of the opinion that the claim is compensable and that the referee's order of disallowance was in error. The referee found:

"SEVENTH: That pulmonary emphysema is the direct cause of claimant's disability which is not compensable under the Occupational Disease Act."

"It is true that emphysema, per se, is not mentioned in the Act as an occupational disease. However, there is

acceptable and competent medical testimony that the claimant 'wouldn't have pulmonary emphysema without nization of the fact that emphysema almost invariably silicosis and scarrings of his lungs.' We may take cognizance of the fact that emphysema almost invariably is a concomitant of silicosis. Thus, the silicosis cannot be ignored or minimized as the basic causative factor in the disability picture. . . .

"... The presence of other conditions are not predominant and the claimant is entitled to a liberal interpretation of the Compensation Acts: *VALENT VS. BERWIND-WHITE COAL MINING CO.*, 172 Pa. Super. Ct. 305. Particularly so, in the light of the amendatory Act of January 2, 1952, P. L. 1811, which eliminated 'solely' in the requirements of silicosis as a cause of total-disability."

And then, in the case of *Mrs. Ella Swiger v. Lehigh Naviation Coal Co.*, Misc. 2959, February 15, 1956:

"Although it was not necessary for the claimant to prove that anthraco-silicosis was the sole cause of disability or death, nevertheless it was necessary to show that the disease was the fundamental cause of the death. The causal relationship here is too tenuous to support a claim. The weakening of the decedent's stamina or lowering of his resistance because of the ravages of the disease, so that he was more vulnerable to another ailment does not constitute a compensable cause of action: *TREASTER VS. NORTH AMERICAN REFRACTORIES CO.*, 156 Pa. Super Ct. 567. Dr. Mermon's testimony is meager and is not convincing that the death was caused by anthraco-silicosis. The doctor's testimony, under cross-examination by defendant's counsel and by the referee, discounts an acceptance of the opinion that death was due to the silicosis. Under the circumstances, we must again conclude that the claim is not compensable."

Section IV

FUTURE CASE LOAD: A PREDICTION

In view of the increase in Commonwealth expenditures for total disability and death under the occupational disease law, it becomes of critical importance to evaluate, with the means at hand, the case load that is likely to emerge during the coming biennium as well as the approximate magnitude of Commonwealth obligations. The means at hand are deficient in many respects. For instance, no reliable information regarding the incidence of anthraco-silicosis is currently available. Again, the intricate interrelations between economic opportunities and individual choices have not been firmly established and are currently subject to alternative interpretations.

Chart VI shows for the period January, 1954, to November, 1958, the regular biweekly case load for total disability and death claims. For each biweekly period, the regular case load includes all recipients of compensation payments, exclusive of those for whom first checks or termination checks were drawn.

In addition, the chart presents, for the period June, 1954, to June, 1961, a reference line which shows the past and expected trend of the biweekly case load.

The reference line was extrapolated through the period 1959-1961 on the assumptions that the law does not change, that administrative practices will not change, and that other major determinants of the case load will continue to follow the pattern established in the past.

Examination of the chart indicates that in 1954 and

²² Since 1948, 1,750 miners were examined at the Barton Memorial Division of the Jefferson Medical College Hospital. Peter A. Theodos, M.D., was one of the physicians associated with the project. Dr. Theodos' observations regarding the diagnosis and pathology of anthracosis and associated diseases will be found in Appendix B. As Dr. Theodos notes, participation in the project was on a "voluntary" basis as far as affected miners were concerned. Under the circumstances, there is no assurance that the miners thus examined represent a statistically acceptable sample of the total anthracite mining population.

1955 the case load increased relatively slowly. Beginning at the end of 1955, the case load began to increase at a more rapid rate, and, of late, the rate of increase has apparently been decreasing. It is interesting to compare the deviations between the actual observations (black line) and the reference curve (red line). An examination of the relationship between appropriations and case load indicates that the most marked deviations under review were associated with inadequacies of funds subsequently compensated for by deficiency appropriations.¹

It should be noted that the biennial appropriation of 1957 was exhausted as of August, 1958, and that, since that time, the program has been financed by means of so-called "lapsed" appropriations.² Past experience suggests that shortages of funds affect the case load in the sense that they are associated with case loads of lesser magnitudes than would be expected in the absence of such shortages. Evaluation of the recent behavior of the case load is further complicated by the fifteen-week extension of unemployment compensation payments which became effective June 19, 1958. The projection of the reference line through the biennium 1959-1961, has taken into account the need for additional funds and the extension of unemployment compensation benefits.

For the biennium 1959-1961, the chart shows an estimated case load of 5,800. In this connection, it should be noted that case load cannot be readily converted into Commonwealth Expenditures incurred in connection with case load. Such a conversion presupposes the existence of detailed information with respect to the relative number of total disability and death benefit awards, the relationship between awards financed exclusively by the Commonwealth and awards financed jointly by the Commonwealth and employer, and the average size of the so-called "back" payments. On the basis of an evaluation of these factors,³ it would appear that the total Commonwealth expenditures for the biennium 1959-1961 might well be in the neighborhood of \$26 million, exclusive of administrative expenses.

¹ For relationship between changes in case load and appropriations, see Appendix Chart A-1.

² See Official Opinion of the Attorney General, No. 126, dated June 23, 1958.

³ For computational details, see Appendix C.

Appendix A

SOURCE CHART AND TABLES

APPENDIX TABLE A-1

AWARDS AND PAYMENTS FOR TOTAL DISABILITY AND DEATH DUE TO SILICOSIS, ANTHRACOSILICOSIS, OR ASBESTOSIS UNDER THE PENNSYLVANIA OCCUPATIONAL DISEASE ACT OF 1939, AND ITS AMENDMENTS, BY EFFECTIVE DATES

Effective Date of Act ¹	Disability or Death Award ²	Weekly Benefit ³		Weeks Payable at Maximum Benefit		Maximum Medical Award
		Minimum	Maximum	Minimum	Maximum	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
10-1-39	\$ 3,600	\$ 9.00	\$18.00	200	\$200	\$150 ^a
7-1-45	4,000	10.00	20.00	200	200	150 ^b
7-1-49	5,000	12.50	25.00	200	250	225 ^c
1-2-52	6,500	20.00	30.00	217	250	225 ^c
9-1-53	7,500	22.50	32.50	231	425	450 ^d
3-30-56	10,000	25.00	37.50	266	425	450 ^e

¹ The amount of compensation payable to a given individual is determined by the law in force at the date of last exposure to the hazard causing disability or death.

² These amounts are exclusive of awards provided for in columns (6) and (7).

^a Applicable to disabled employees only. Separate schedules are provided for survivors.

^b Payable during first 60 days from date of disability.

^c An additional \$75 payable at discretion of Workmen's Compensation Board between 60 and 90 days upon petition of claimant.

^d Payable during first 90 days.

^e Payable during first 120 days.

^f Payable during first 6 months.

APPENDIX TABLE A-2

PRODUCTION OF PRINCIPAL MINERAL FUELS AND WATERPOWER CONTINENTAL UNITED STATES, 1900-1956

Year	Production in Trillions of British Thermal Units ¹						Total
	Anthracite Production in Thousands of Net Short Tons	Anthracite Coal	Crude Petroleum	Natural Gas Wet	Bituminous Coal and Lignite	Waterpower	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1900	57,368	1,457	369	254	5,563	250	7,893
1901	67,472	1,714	402	283	5,917	264	8,580
1902	41,374	1,051	515	301	6,818	289	8,974
1903	74,607	1,895	583	319	7,408	321	10,526
1904	73,157	1,858	679	333	7,301	354	10,525
1905	77,660	1,973	781	377	8,255	386	11,772
1906	71,282	1,811	734	418	8,983	414	12,360
1907	85,604	2,174	963	437	10,343	441	14,358
1908	83,269	2,115	1,035	432	8,713	476	12,771
1909	81,070	2,059	1,062	517	9,949	513	14,100
1910	84,485	2,146	1,215	547	10,928	539	15,375
1911	90,464	2,298	1,279	551	10,635	565	15,328
1912	84,362	2,143	1,293	604	11,793	585	16,418
1913	91,525	2,325	1,441	626	12,535	609	17,536
1914	90,822	2,307	1,541	636	11,075	636	16,195
1915	88,995	2,260	1,630	676	11,597	659	16,822
1916	87,578	2,224	1,744	810	13,166	681	18,625
1917	99,612	2,530	1,945	855	14,457	700	20,487
1918	98,226	2,510	2,064	775	15,180	701	21,230
1919	88,092	2,238	2,195	802	12,206	718	18,159
1920	89,598	2,276	2,569	883	14,899	738	21,365
1921	90,473	2,298	2,739	732	10,897	620	17,286
1922	54,683	1,389	3,234	843	11,063	643	17,172
1923	93,339	2,371	4,248	1,113	14,792	685	23,209
1924	87,927	2,233	4,141	1,263	12,672	648	20,957
1925	61,817	1,570	4,430	1,314	13,625	668	21,607
1926	84,437	2,145	4,471	1,452	15,020	728	23,816
1927	80,096	2,034	5,227	1,598	13,563	776	23,200
1928	75,348	1,914	5,229	1,734	13,120	854	22,851
1929	73,828	1,875	5,842	2,118	14,017	816	24,668
1930	69,385	1,762	5,208	2,148	12,249	752	22,119
1931	59,646	1,515	4,936	1,869	10,011	668	18,999
1932	49,855	1,266	4,554	1,729	8,114	713	16,376
1933	49,541	1,258	5,253	1,733	8,741	711	17,696
1934	57,168	1,452	5,267	1,970	9,415	698	18,802
1935	52,159	1,325	5,780	2,136	9,756	806	19,803
1936	54,580	1,386	6,378	2,411	11,504	812	22,491
1937	51,856	1,317	7,419	2,684	11,673	871	23,964
1938	46,099	1,171	7,043	2,565	9,132	866	20,777
1939	51,487	1,308	7,337	2,763	10,345	838	22,591
1940	51,485	1,308	7,849	2,979	12,072	880	25,088
1941	56,368	1,432	8,133	3,162	13,471	934	27,132
1942	60,328	1,532	8,043	3,436	15,267	1,136	29,414
1943	60,644	1,540	8,733	3,839	15,463	1,304	30,879
1944	63,701	1,618	9,732	4,176	16,233	1,344	33,103
1945	54,934	1,395	9,939	4,423	15,134	1,442	32,333
1946	60,507	1,537	10,057	4,550	13,989	1,406	31,539
1947	57,190	1,453	10,771	5,012	16,522	1,426	35,184
1948	57,140	1,451	11,717	5,615	15,707	1,481	35,971
1949	42,702	1,085	10,683	5,911	11,472	1,539	30,690
1950	44,077	1,120	11,449	6,841	13,527	1,573	34,510
1951	42,670	1,084	13,037	8,106	13,982	1,559	37,768
1952	40,583	1,031	13,282	8,705	12,231	1,581	36,830
1953	30,949	786	13,671	9,116	11,981	1,522	37,076
1954	29,100	739	13,427	9,488	10,262	1,449	35,365
1955	26,200	665	14,410	9,735	12,174	1,447	38,431
1956 ²	28,900	726	15,181	10,661	13,100	1,542	41,210

¹ The unit heat values employed are: Anthracite, 12,700 B.T.U. per pound; bituminous coal and lignite, 13,100 B.T.U. per pound; petroleum, 5,800,000 B.T.U. per barrel; natural gas, total production 1,075 B.T.U. per cubic foot minus total repressuring vent and waste gas 1,035 B.T.U. per cubic foot. Waterpower includes installations owned by manufacturing plants and mines, as well as by government and privately owned public utilities. The fuel equivalent of waterpower is calculated from the kilowatt-hours of power produced wherever available. Otherwise, the fuel equivalent is calculated from the reported horsepower of installed water wheels, assuming a capacity factor of 20 percent for factories and mines and 40 percent for public utilities.

² Preliminary.

SOURCES: Committee on Interior and Insular Affairs, Findings and Recommendations of the Special Subcommittee on Coal Research, Union Calendar No. 490, 85th Congress, House of Representatives Report No. 1263, 1957; Minerals Yearbook 1957, United States Bureau of Mines.

APPENDIX TABLE A-3

PERCENTAGE SHARE OF TOTAL PRODUCTION, IN TERMS OF ENERGY EQUIVALENTS (B.T.U.) OF THE PRINCIPAL MINERAL FUELS AND OF WATERPOWER CONTINENTAL UNITED STATES, 1900-1956

Year	Percentage					Total
	Anthracite Coal	Crude Petroleum	Natural Gas Wet	Bituminous Coal and Lignite	Water-power	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1900	18.4%	4.7%	3.2%	70.5%	3.2%	100%
1901	20.0	4.7	3.3	68.9	3.1	100
1902	11.7	5.7	3.4	76.0	3.2	100
1903	18.0	5.5	3.0	70.4	3.1	100
1904	17.6	6.4	3.2	69.4	3.4	100
1905	16.8	6.6	3.2	70.1	3.3	100
1906	14.7	5.9	3.4	72.7	3.3	100
1907	15.1	6.7	3.1	72.0	3.1	100
1908	16.6	8.1	3.4	68.2	3.7	100
1909	14.6	7.5	3.7	70.6	3.6	100
1910	14.0	7.9	3.5	71.1	3.5	100
1911	15.0	8.3	3.6	69.4	3.7	100
1912	13.0	7.9	3.7	71.8	3.6	100
1913	13.2	8.2	3.6	71.5	3.5	100
1914	14.3	9.5	3.9	68.4	3.9	100
1915	13.4	9.7	4.0	69.0	3.9	100
1916	11.9	9.4	4.3	70.7	3.7	100
1917	12.3	9.5	4.2	70.6	3.4	100
1918	11.8	9.7	3.7	71.5	3.3	100
1919	12.3	12.1	4.4	67.2	4.0	100
1920	10.7	12.0	4.1	69.7	3.5	100
1921	13.3	15.9	4.2	63.0	3.6	100
1922	8.1	18.8	4.9	64.5	3.7	100
1923	10.2	18.3	4.8	63.7	3.0	100
1924	10.6	19.8	6.0	60.5	3.1	100
1925	7.2	20.5	6.1	63.1	3.1	100
1926	9.0	18.8	6.1	63.1	3.0	100
1927	8.8	22.5	6.9	58.5	3.3	100
1928	8.4	22.9	7.6	57.4	3.7	100
1929	7.6	23.7	8.6	56.8	3.3	100
1930	8.0	23.5	9.7	55.4	3.4	100
1931	8.0	26.0	9.8	52.7	3.5	100
1932	7.7	27.8	10.6	49.5	4.4	100
1933	7.1	29.7	9.8	49.4	4.0	100
1934	7.7	28.0	10.5	50.1	3.7	100
1935	6.7	29.2	10.8	49.2	4.1	100
1936	6.1	28.4	10.7	51.2	3.6	100
1937	5.5	31.0	11.2	48.7	3.6	100
1938	5.6	33.9	12.3	44.0	4.2	100
1939	5.8	32.5	12.2	45.8	3.7	100
1940	5.2	31.3	11.9	48.1	3.5	100
1941	5.3	30.0	11.7	49.6	3.4	100
1942	5.2	27.3	11.7	51.9	3.9	100
1943	5.0	28.3	12.4	50.1	4.2	100
1944	4.9	29.4	12.6	49.0	4.1	100
1945	4.3	30.7	13.7	46.8	4.5	100
1946	4.9	31.9	14.4	44.3	4.5	100
1947	4.1	30.6	14.2	47.0	4.1	100
1948	4.0	32.6	15.6	43.7	4.1	100
1949	3.5	34.8	19.3	37.4	5.0	100
1950	3.2	33.2	19.8	39.2	4.6	100
1951	2.9	34.5	21.5	37.0	4.1	100
1952	2.8	36.1	23.6	33.2	4.3	100
1953	2.1	36.9	24.6	32.3	4.1	100
1954	2.1	38.0	26.8	29.0	4.1	100
1955	1.7	37.5	25.3	31.7	3.8	100
1956 ¹	1.8	36.8	25.9	31.8	3.7	100

¹ Preliminary.

SOURCE: Committee on Interior and Insular Affairs, Findings and Recommendations of the Special Subcommittee on Coal Research, Union Calendar No. 490, 85th Congress, House of Representatives Report No. 1263, 1957.

Appendix Table A-5

Anthracite Production, Average Employment and Average Tons Mined Per Employee Per Year 1926-57

Year	Production Net Short Tons	Average Number of Employees	Average Tons Per Employee Per Year
(1)	(2)	(3)	(4)
1926	84,437,452	165,386	511
1927	80,095,564	165,259	485
1928	75,348,069	160,681	469
1929	73,828,195	151,501	487
1930	69,384,837	150,804	460
1931	59,645,652	139,431	428
1932	49,855,221	121,243	411
1933	49,541,344	104,633	473
1934	57,168,291	109,050	524
1935	52,158,783	103,269	505
1936	54,579,535	102,081	535
1937	51,856,433	99,085	523
1938	46,099,027	96,417	478
1939	51,487,377	93,138	553
1940	51,484,640	91,313	562
1941	56,368,267	88,054	617
1942	60,327,729	82,121	705
1943	60,643,620	79,153	751
1944	63,701,363	77,591	815
1945	54,933,909	72,842	751
1946	60,506,873	78,145	770
1947	57,190,009	78,600	720
1948	57,139,948	76,215	745
1949	42,701,724	75,377	560
1950	44,076,703	72,624	597
1951	42,669,997	68,995	618
1952	40,582,558	65,923	615
1953	30,949,152	57,861	535
1954	29,083,477	43,996	659
1955	26,204,554	33,523	780
1956	28,900,220	31,516	918
1957	25,338,321	30,825	819

SOURCE: Minerals Yearbook, 1957, United States Bureau of Mines.

Appendix Table A-7

MINING AND MANUFACTURING EMPLOYMENT IN THE ANTHRACITE REGION

April 1, 1930, 1940, 1950 and March 15, 1951-1957

Year	Mining	Manufacturing
(1)	(2)	(3)
1930	158,108	89,181
1940	88,896	65,713
1950	75,414	112,165
1951	70,291	122,329
1952	64,783	118,269
1953	57,936	128,125
1954	46,038	120,440
1955	31,300	122,023
1956	29,808	124,672
1957	30,245	122,366

Note: Data for 1930, 1940, and 1950, from the United States Census; for years 1951 through 1957, from the Pennsylvania Department of Labor and Industry. The Census counted workers at place of residence as of April 1. The Pennsylvania Department of Labor and Industry counted workers covered by State unemployment compensation laws, at the pay period ending nearest March 15 at place of work. In both series, mining employment covers all mineral extraction.

SOURCES: Census of the United States, 1930, 1940 and 1950; Statistical Information Bulletin Nos. 99, 107, 110, 116, 123, Department of Labor and Industry, Bureau of Employment Security and additional unpublished data furnished to the Joint State Government Commission by the Bureau.

APPENDIX TABLE A-4
CONSUMPTION OF ANTHRACITE COAL BY MARKETS
1946-1957

Market	Consumption in Net Short Tons											
	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
Total Apparent United States Consumption and Exports	60,400,000	56,700,000	56,900,000	42,600,000	43,800,000	43,000,000	39,900,000	30,700,000	29,800,000	26,800,000	29,200,000	25,100,000
Total Apparent Consumption ¹	53,900,000	48,200,000	50,200,000	37,700,000	39,900,000	37,000,000	35,300,000	28,000,000	26,900,000	23,600,000	24,000,000	20,800,000
Industrial Consumption by Principle Users—Total	5,870,165	5,791,288	6,278,955	4,909,297	5,183,382	5,092,564	4,726,011	4,111,687	4,296,567	4,310,410	4,274,322	4,274,322
Class I Railroads	1,079,025	940,613	905,063	735,718	771,888	678,229	626,620	531,938	445,349	457,349	409,494	361,111
Fuel Briquette Industry	1,098,999	1,066,437	1,151,752	646,897	638,356	607,687	465,239	305,124	260,639	264,000	228,000	156,000
Electric Utilities	3,453,326	3,522,042	3,965,965	3,553,857	3,608,863	3,869,512	3,761,902	3,613,949	3,166,105	3,209,218	3,295,916	3,368,211
Coking Coal Industry	238,812	262,196	256,175	172,825	169,275	237,136	206,860	275,000	229,000	366,000	377,000	389,000
Colliery Fuels Used by the Anthracite Industry	1,962,750	1,904,725	1,861,035	1,163,808	1,115,670	1,037,164	926,507	621,556	608,281	419,264	341,620	279,264
Space Heating (Estimate) ²	46,100,000	40,500,000	42,100,000	31,600,000	33,600,000	30,700,000	29,300,000	22,700,000	22,200,000	18,900,000	19,300,000	16,200,000
Exports—Total	6,506,829	8,509,995	6,675,914	4,942,670	3,891,569	5,955,535	4,592,060	2,724,270	2,851,239	3,152,313	5,244,349	4,331,785
Canada	4,513,637	4,470,034	4,931,918	3,580,568	3,798,285	3,484,800	3,606,618	2,601,818	2,456,747	2,434,981	2,356,351	1,778,551
Europe	1,927,845	3,918,463	1,692,967	1,243,214	81,930	2,423,007	922,633	52,136	320,511	591,310	2,723,431	2,355,417
Other	65,347	121,498	51,029	118,888	11,354	47,728	62,809	70,316	73,981	126,022	164,567	197,817
Imports	9,556	10,350	945	945	18,289	26,812	29,370	31,443	5,831	170	46	1,138

¹ Total apparent United States consumption = total production plus imports minus exports plus coal producers' stock at beginning of year minus coal producers' stock at end of year. Data rounded to 100,000's.

² Space heating and other uses = total apparent consumption minus industrial consumption (purchases plus consumption from stocks) minus colliery fuels used. The estimate of space heating consumption includes consumption of anthracite by cinderling plants; it should be noted that prior to 1953, this consumption was negligible, but amounted to 885,000 tons in 1957, the only year for which an estimate was available.

Note: Comparable items in Table 3 of the text and Appendix Table A-4 may differ due to rounding.

SOURCE: Minerals Yearbook, 1946-1957, United States Bureau of Mines.

Appendix Table A-6
ANTHRACITE PRODUCTION ATTRIBUTABLE TO DIFFERENT MINING METHODS
1938-1957

Year	Hand Loaded			Underground Mining			Strip Mining			Culm Bank Mining			River Dredging			Total Production		
	Net Short Tons	Percentage of Total Production	Net Short Tons	Net Short Tons	Percentage of Total Production	Net Short Tons	Net Short Tons	Percentage of Total Production	Net Short Tons	Net Short Tons	Percentage of Total Production	Net Short Tons	Net Short Tons	Percentage of Total Production	Net Short Tons	Net Short Tons	Percentage of Total Production	Net Short Tons
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
1938	27,990,628	60.7%	10,151,660	22.0%	38,142,297	82.7%	5,095,341	11.0%	2,340,444	5.1%	571,024	1.2%	46,099,027 ^a	100.0%	51,487,377 ^a	100.0%	51,487,377 ^a	100.0%
1939	30,797,715	60.0	11,733,833	22.9	42,531,548	82.9	5,486,479	10.7	2,583,814	5.0	703,860	1.4	51,487,377 ^a	100.0	51,484,640 ^a	100.0	51,484,640 ^a	100.0
1940	29,190,837	56.6	12,326,000	23.9	41,516,837	80.5	6,327,000	12.3	2,783,038	5.4	942,944	1.8	56,368,267	100.0	56,368,267	100.0	56,368,267	100.0
1941	30,435,277	54.0	13,441,987	23.8	43,877,264	77.8	7,316,574	13.0	3,656,866	6.5	1,517,563	2.7	60,327,729	100.0	60,327,729	100.0	60,327,729	100.0
1942	30,495,240	50.6	14,741,459	24.4	45,236,699	75.0	9,070,933	15.0	4,735,064	7.9	1,285,033	2.1	60,327,729	100.0	60,327,729	100.0	60,327,729	100.0
1943	27,990,005	46.2	14,745,793	24.3	42,735,788	70.5	8,989,387	14.8	7,583,698	12.5	1,334,737	2.2	60,327,729	100.0	60,327,729	100.0	60,327,729	100.0
1944	26,800,270	42.1	14,975,146	23.5	41,775,416	65.6	10,953,030	17.2	9,600,180	15.1	1,372,737	2.1	63,701,363	100.0	63,701,363	100.0	63,701,363	100.0
1945	20,957,744	38.1	13,927,955	25.4	34,885,699	63.5	10,056,325	18.3	8,786,659	16.0	1,205,226	2.2	54,933,909	100.0	54,933,909	100.0	54,933,909	100.0
1946	22,465,295	37.1	15,619,162	25.8	38,084,457	62.9	12,858,930	21.3	8,431,092	13.9	1,132,394	1.9	60,506,873	100.0	60,506,873	100.0	60,506,873	100.0
1947	20,909,101	36.6	16,054,011	28.1	36,963,112	64.7	12,603,545	22.0	6,403,646	11.2	1,219,706	2.1	57,190,009	100.0	57,190,009	100.0	57,190,009	100.0
1948	21,432,923	37.5	15,742,368	27.6	37,175,291	65.1	13,352,874	23.4	5,623,779	9.8	988,004	1.7	57,139,948	100.0	57,139,948	100.0	57,139,948	100.0
1949	15,172,562	35.5	12,335,650	28.0	27,030,650	63.3	11,336,934	26.8	3,467,310	7.9	865,122	2.0	42,701,724	100.0	42,701,724	100.0	42,701,724	100.0
1950	15,820,245	35.9	12,335,650	28.0	28,155,895	63.3	11,833,934	26.8	3,467,310	7.9	619,564	1.4	44,076,703	100.0	44,076,703	100.0	44,076,703	100.0
1951	15,494,452	36.3	10,847,787	25.4	26,342,239	61.7	11,135,990	26.1	4,630,200	10.9	561,568	1.3	42,669,997	100.0	42,669,997	100.0	42,669,997	100.0
1952	14,713,819	36.3	6,838,769	22.1	17,893,489	57.8	8,606,482	27.8	4,011,000	13.0	438,181	1.4	30,949,152	100.0	30,949,152	100.0	30,949,152	100.0
1953	11,054,720	35.7	6,978,035	24.0	16,852,408	58.0	7,939,680	27.3	3,565,482	12.2	725,907	2.5	29,083,477	100.0	29,083,477	100.0	29,083,477	100.0
1954	9,874,373	34.0	6,606,939	25.4	14,498,758	55.3	7,703,907	29.4	3,213,046	12.3	788,843	3.0	26,204,554	100.0	26,204,554	100.0	26,204,554	100.0
1955	7,837,819	29.9	7,308,110	25.3	15,054,904	52.1	8,354,230	28.9	4,774,799	16.5	716,287	2.5	28,900,220	100.0	28,900,220	100.0	28,900,220	100.0
1956	7,746,794	26.8	6,657,479	26.3	12,616,053	49.8	7,543,157	29.8	4,521,410	17.8	657,701	2.6	25,338,321	100.0	25,338,321	100.0	25,338,321	100.0
1957	5,958,574	23.5	6,657,479	26.3	12,616,053	49.8	7,543,157	29.8	4,521,410	17.8	657,701	2.6	25,338,321	100.0	25,338,321	100.0	25,338,321	100.0

^a Subtotals shown in columns (2), (4), (6), (8), (10) and (12) do not add to grand total shown in column (14) because data on changes in coal producers' stocks are not available according to type of mining method for the years 1938, 1939 and 1940.

SOURCE: Adapted from data published in Minerals Yearbook, 1938-1957, United States Bureau of Mines.

Appendix Table A-8

Value Added Per Employee and Percentage of Total Manufacturing Employment
by Manufacturing Industry, Anthracite Region, and Rest of Pennsylvania

1956

Code Number	Manufacturing Industry Group	Anthracite Region		Rest of Pennsylvania	
		Value Added Per Employee	Percentage of Manufacturing Employment	Value Added Per Employee	Percentage of Manufacturing Employment
(1)	(2)	(3)	(4)	(5)	(6)
20	Food and Kindred Products	\$ 7,330	7.8%	\$ 8,090	7.8%
21	Tobacco Manufacturing	6,330	4.6	5,800	.6
22	Textile Mill Products	4,230	12.4	5,650	6.1
23	Apparel and Related Products	2,970	39.0	3,800	8.5
24	Lumber and Wood Products	4,500	.7	5,050	1.0
25	Furniture and Fixtures	5,120	1.5	6,490	1.4
26	Paper and Allied Products	"	.9	9,360	2.9
27	Printing and Publishing	"	3.9	8,180	3.9
28	Chemicals and Allied Products	14,390	2.1	14,660	3.2
29	Products of Petroleum and Coal	3,210	.2	14,490	1.8
30	Rubber Products	6,090	.5	12,070	1.0
31	Leather and Leather Goods	3,580	4.4	4,550	2.0
32	Stone, Clay and Glass Products	6,180	.8	9,090	5.0
33	Primary Metal Industries	8,720	4.7	9,590	19.4
34	Fabricated Metal Products	8,300	3.1	7,900	7.8
35	Machinery (Except Electrical)	"	3.2	8,670	9.2
36	Electrical Machinery	6,320	3.6	8,830	9.2
37	Transportation Equipment	7,690	3.2	8,380	5.1
38	Professional and Scientific Instruments	4,040	.1	8,090	1.5
39	Miscellaneous Manufacturing Industries ¹	4,660	3.3	6,490	2.6
	All Manufacturing	5,010	100.0	8,270	100.0

¹ Includes ordnance and accessories.

² To avoid disclosure, value added per employee in the Paper and Allied Products, Printing and Publishing, and Machinery (except Electrical) Industry Groups for the anthracite region is not shown. In the anthracite region, value added per employee for these groups combined was \$6,250, as compared with \$8,670 in the rest of the state.

SOURCE: Based on 1956 Industrial Census of Pennsylvania, Pennsylvania Department of Internal Affairs, and additional unpublished data furnished to the Joint State Government Commission by the Department.

Appendix B

MEDICAL ASPECTS OF ANTHRACOSILICOSIS

By Peter A. Theodos, M.D.

INTRODUCTION

A research program for the study and treatment of anthracosilicosis at the Barton Memorial Division of the Jefferson Medical College Hospital was initiated in 1948 under auspices of the Anthracite Health and Welfare Fund. The purpose of the research program sponsored by the Fund was to evaluate the nature and degree of the breathing difficulty experienced by miners and to determine its relationship to the heart and lungs. A complete cardio-pulmonary laboratory was established at Barton and all aspects of lung function were studied. Various physiological tests and methods were used for evaluating the impairment of lung function.

To date, (December 1958) some 1,750 miners have been studied. Patients for study are unselected, the only requirement for admission to the project being membership in the United Mine Workers' Union. Application for study is voluntary and patients are admitted in order of application. On admission to the hospital a complete medical and industrial history is taken, a complete physical examination is done and a number of routine laboratory and X-ray studies are carried out. If presence of disabling medical conditions such as tuberculosis, heart disease, and cancer is determined, patients are referred back to their own family physicians for treatment. Miners with respiratory impairment related to their occupation are the subjects of intensive physiological studies.

ANTHRACOSILICOSIS AND LUNG FUNCTION IMPAIRMENT

Development and Pathology of Anthracosilicosis

Anthracosilicosis, or "miner's asthma," are two synonymous terms applied to silicosis developed by hard coal miners. It is a disease which commonly results from inhaling the dust produced as the miner drills through solid rock. The dust contains silicon dioxide or quartz, which is the irritant. Coal dust itself is basically carbon and is believed to be incapable of producing damage similar to silicosis. The designation "miner's asthma"—which had its origin in the shortness of breath and wheezing that also characterizes anthracosilicosis—does not signify that the miner has true allergic asthma. In the case of anthracosilicosis, the shortness of breath is primarily due to the presence of emphysema, which is a stretching of the air sacs and a loss in their elasticity; the wheezing is due to the associated bronchitis, which is a narrowing of the air passages in the lungs.

The development of anthracosilicosis depends upon a sufficient exposure to a silica hazard, which is characterized by the presence of silicon dioxide in a free state, with particle size generally between .3 and 5 microns in diameter, and having a concentration of at least 5 to 10 milligram particles per cubic foot.

Different miners exposed to the same hazard do not necessarily develop anthracosilicosis at the same rate or to the same degree. Individual susceptibility or predisposition may play a part; but this is not an inheritable characteristic. Miners with abnormalities in the air passage

of the nose and throat which interfere with cleansing actions of these organs may develop anthracosilicosis more rapidly.

Anthracosilicosis is characterized by generalized fibrotic changes (the development of scar tissue) of varying types. These changes range from discrete nodules to conglomerate masses. The typical nodule is made up of concentric whorls of scar tissue and its altered forms. This fibrous response is generally believed to be related to the chemical action of silica dust. When the dust particles reach the alveoli, which are the air sacs located in the terminal portions of the lung, they are picked up by certain cells which carry them through the alveolar walls into the surrounding tissue spaces. The silica particles dissolve in the tissue juices to form silicic acid. This acid, in turn, stimulates the formation of fibrosis in the channels which drain the tissue spaces. These lymph channels become occluded and widespread nodulation occurs about the arteries and vein surrounding the bronchi (air passages in the lungs). Generally coalescence and conglomeration of the nodules is the ultimate result of this process.

Classification and Diagnosis of Anthracosilicosis

The classical concept of anthracosilicosis recognizes first, second, and third stages, the third stage including nodular, coalescent nodular, and conglomerate forms. The traditional diagnosis and classification of anthracosilicosis is based upon the presence and size of nodules as seen on the X-ray film. Stage one is considered to consist of diffuse or widely scattered nodules up to 2 millimeters in diameter; stage two, of nodules from 2 to 5 millimeters in diameter; and stage three, of nodules over 5 millimeters in diameter which may be discrete or joined, to form larger coalescent nodular and conglomerate masses.

Research at Barton, however, has shown that there are some cases where miners with a long period of exposure to the silica hazard may have anthracosilicosis but whose X-rays are essentially negative or may show changes which are not typically nodular. These may be classified as borderline anthracosilicosis where only accentuation of the lung markings is present, and atypical or linear where fibrosis without nodulation is present. The atypical or linear forms may be classified as stage one or two according to the amount of fibrosis present. Analysis of the 1,750 cases so far studied shows the following percentage breakdown as regards their X-ray classification:

Negative	—3.3%
Borderline	—2.5%
First Stage	
Nodular	—4.7%
Atypical	—3.5%
Second Stage	
Nodular	—11.6%
Atypical	—5.2%
Third Stage	
Nodular	—6.5%
Coalescent Nodular	—29.2%
Conglomerate	—33.5%

It will be seen that 5.8 percent are classed as negative or borderline and that the atypical forms account for 8.7 percent. The great majority of X-rays (69.2 percent) are classed as third stage.

In this particular series, a diagnostic problem as to

borderline or atypical forms involved about 10 percent of the group studied. A means now exists for investigating this type of case. It is possible to obtain a representative piece of lung tissue through a small incision under local anesthesia for examination under the microscope. The usual site of biopsy is the front part of the chest where the rib spaces are wider. No part of the rib is removed. As the covering of the lung (the pleura) is opened, the lung is kept expanded by oxygen given under pressure through a snugly fitting mask. As the lung protrudes through the incision the surgeon removes one or more pieces of tissue by any of a number of techniques. This technique can be applied to patients even if they are very short of breath.

Microscopic examination of the tissue after proper preparation and staining offers a reliable guide to the presence or absence of anthracosilicosis in the sample tissue. The diagnosis of anthracosilicosis was established through this means in 3 out of the 14 borderline cases which were biopsied and 4 out of 8 atypical cases biopsied.

This evidence indicates that the diagnosis of anthracosilicosis can be established in certain cases where the X-ray does not give the classical appearance; that is, lung biopsy can be done in those cases where anthracosilicosis might be expected in view of a patient's exposure to a silica hazard but where the X-ray is not confirmatory.

Lung Function Impairment

Anthracosilicosis is generally incapacitating. It is a disease which produces impairment of the lung function though there is wide variation from case to case in the nature and degree of impairment produced. Physiologically, lung function impairment is defined in terms of the ability of the lung to take in oxygen and expel carbon dioxide.

The degree of impairment can be evaluated by clinical methods or by use of laboratory procedures which measure the lung function. Much can be learned from the history, physical examination, X-ray examination and exercise tolerance tests but such studies as vital capacity, maximum breathing capacity, blood oxygen saturation and carbon dioxide retention are much more reliable in determining the ability of the lungs to carry out their function. Adequate physiologic studies of lung function require measurements of ventilation, or the movement of air in and out of the lungs, and of the respiratory gas exchange, or getting the air down to the air sacs and into the blood. These tests require complicated laboratory equipment which is generally not available except in larger hospitals.

The test of a miner's vital capacity, taken as the sole measurement of lung function impairment, is not very informative. The vital capacity test measures only one small part of the total lung function. Even with detailed physiological studies, and accurate determination of lung function impairment in terms of percentage is not possible. Impairment can only be classified in general categories, which define the degree of impairment as: slight, moderate, marked, and very marked.

Only in the broadest terms is it possible to relate these classifications of lung function impairment to legal tests of disability as applied in compensation cases, such

as the concept of ability to do light work of a general nature or ability to do light work of a selective nature.

The degree of lung function impairment has in the past been considered to be directly related to the stage of anthracosilicosis (fibrosis) as indicated by the X-ray; that is, some impairment with stage one and severe impairment with stage three. However, on the basis of recent research, it appears that both the first and third stages of anthracosilicosis, to take the extremes, may produce equally divergent degrees of impairment in different patients. First stage anthracosilicosis, as well as third stage may produce little, if any impairment in some patients and marked impairment in others. Stated in other terms, the amount of lung function impairment is generally independent of the amount of fibrosis.

Lung function impairment must be considered in terms of the degree of emphysema and the distribution factor. Emphysema is a stretching or enlargement of the air sacs with loss of elasticity. The degree of emphysema is related rather closely to the degree of lung function impairment. A miner with stage one anthracosilicosis and an advanced degree of emphysema may be severely impaired whereas a miner with stage three anthracosilicosis and no emphysema may show little if any lung function impairment. The distribution factor, where unequal amounts of air reach the air sacs and, consequently, decreased amounts of oxygen reach the blood vessels, also influences lung function impairment. Equal amounts of air may not reach all parts of the lung because the passage of air may be blocked by spasm of the walls of the bronchial tubes or by plugs of mucus, conditions commonly seen in cases of anthracosilicosis and/or emphysema.

These two factors cannot be accurately determined clinically without special equipment but ordinary methods of examination may fairly well indicate the degree of emphysema present if very little or a great deal is present. The degree of emphysema, to have meaning, must be measured in terms of the residual air percentage of total lung volume. The residual air refers to the volume of air trapped in the lungs after the greatest possible expiration. This is used as a measure of the degree of emphysema. A residual air 25 percent of total lung volume is considered normal; 25 to 35 percent as a slight degree of emphysema; 35 to 45 percent as moderate; 45 to 55 percent as marked, and anything above this as very marked.

Emphysema is not limited to people exposed to the silica hazard but is found in the general population as it grows older. Emphysema resulting from silicosis is not distinguishable from emphysema due to other causes, such as allergic asthma, chronic bronchitis and tuberculosis. However, emphysema is much more frequently seen in silicotics than in the general population which suggests a casual relationship. Emphysema found in a silicotic miner is generally considered to be a result of the anthracosilicosis.

Anthracosilicosis and the Heart

Another aspect of the problem of anthracosilicosis is its effect on the heart. As a result of the fibrosis and emphysema the function of the air sacs is impaired and a state of chronic unsaturation of the blood occurs. This

in turn stimulates more fibrosis, with obliteration of the blood vessels in the lung and increased resistance in the circulation of blood in the lung. This leads to elevation of the blood pressure in the lungs and eventually results in strain of the right side of the heart. Right heart strain (or cor pulmonale) is more closely related to the degree of emphysema than to the amount of silicosis. It may aggravate the lung function impairment present but does not in itself produce it—in other words, it may contribute to but not cause the lung function impairment.

Anthracosilicosis and Tuberculosis

On the basis of recovery of acid-fast bacilli in the sputum, about 15 percent of the group of 1,750 studied were shown to have tuberculosis.

The X-ray diagnosis of tuberculosis in the presence of silicosis is frequently based upon the presence of cavities in the lung. It is now recognized that some of these cases do not represent tuberculosis but that the cavitation is due to so-called aseptic or ischemic necrosis. This condition occurs when the blood supply to an area of fibrosis generally of the conglomerate type, is cut off and liquifaction results. The patient may bring up copious amounts of black sputum but has none of the toxicity characteristic of tuberculosis.

SUMMARY

The study undertaken at the Jefferson Medical College Hospital thus far points up that (1) anthracosilicosis exist in atypical forms which can be positively diagnosed in some cases by lung biopsy, (2) lung function impairment is more closely related to emphysema and the distribution factor (unequal alveolar aeration and perfusion) than to the stage of anthracosilicosis (degree of fibrosis), (3) right heart strain is more closely related to the degree of emphysema than to the degree of anthracosilicosis, and (4) in cases involving lung cavities, tuberculosis cannot be positively diagnosed without a sputum positive for tubercle bacilli.

Appendix C

TECHNICAL NOTES

ESTIMATION OF REFERENCE LINE

Examination of the changes in the biweekly case load for the period January, 1954 to November, 1958, suggested that the underlying trend had the characteristics of a logistic curve; a lower asymptote, a point of inflection and an upper asymptote. A general formula for the logistic curve is:

$$Y = \frac{k}{1 + 10^{a_0 + a_1 X + \dots + a_{n+1} X^{n+1}}}$$

where Y = case load
k = upper asymptote
X = unit of time

Since the data did not justify the fitting of a symmetrical logistic curve using traditional methods, a nonsymmetrical curve was fitted by successive approximation. In brief, the procedure was as follows:

1. The actual number of cases was plotted for each

biweekly period from January, 1954 to November, 1958.

2. A smooth free-hand curve was fitted to the plotted points in such a way that the sum of the squared deviations from these points approximated zero.
3. The first differences of equidistant points on the curve were plotted. The resulting curve supported the conclusion that the underlying trend of the case load had the characteristics of a logistic function and provided the basis for an estimate of the upper asymptote.
4. Once the upper asymptote was determined the formula for the reference line was calculated to be:

$$Y = \frac{5800}{1 + 10^{.542 + .025 X - .0172 X^2 + .00035 X^3}}$$

ESTIMATION OF COMMONWEALTH EXPENDITURES FOR THE BIENNIUM, 1959-1961

The following procedure was employed to estimate Commonwealth expenditures for the biennium 1959-1961:

1. The average number of persons receiving regular biweekly checks during the 1959-1961 biennium was estimated on the basis of the projected reference line. The average size of the regular biweekly check was estimated on the basis of a projection of the changing composition of the case load in terms of (a) average size of award, (b) average percentage of Commonwealth liability, and (c) average primary beneficiary-survivor ratio. The product of these estimates provided an estimate of total Commonwealth expenditures for the biennium 1959-1961, on account of regular biweekly payments.
2. Commonwealth expenditures for first payments to recipients of occupational disease awards were estimated on the basis of (a) projections of the number of new cases added biweekly, (b) the average period covered by the first check, and (c) the average size of the award.
3. Commonwealth expenditures for termination payments to recipients of occupational disease awards were estimated on the basis of projections of the number of biweekly terminations and the average termination payment.
4. Commonwealth expenditures for medical and funeral awards were estimated on the basis of a projection of the average size of these payments taking into account the changing composition of the case load in terms of size of award.
5. The summation of the above estimates provided an estimate of total Commonwealth expenditures (excluding administration) for the biennium, 1959-1961, of \$26,000,000.

BIENNIAL REPORT
OF THE
JOINT STATE GOVERNMENT COMMISSION—1957-1959
GENERAL ASSEMBLY
OF THE
COMMONWEALTH OF PENNSYLVANIA
JANUARY 1959

Biennial Report
of the

Joint State Government Commission—1957-1959
 Joint State Government Commission
 Room 450, Capitol Building
 Harrisburg, Pennsylvania

The Joint State Government Commission was created by Act of 1937, July 1, P. L. 2460, as amended 1939, June 26, P. L. 1084; 1943, March 8, P. L. 13; 1956, May 15, P. L. (1955) 1605, as a continuing agency for the development of facts and recommendations on all phases of government for the use of the General Assembly.

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 AND EXECUTIVE COMMITTEE
 1957-1959

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 EXECUTIVE COMMITTEE
 1959-1961

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 Allen M. Gibson, Minority Whip
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 Norman Wood, Chairman, Minority Caucus

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INTRODUCTION

House Resolution No. 138, Session of 1957, concurred in by the Senate, lists resolutions directing the Joint State Government Commission to make various interim studies and provides, in part:

"Resolved, That the Executive Committee of the Commission shall, taking into consideration the time and funds available therefor, determine the priority and extent of such studies and investigations and report to the next regular Session of the General Assembly the Commission's findings and recommendations with such drafts of legislation necessary to carry the recommendations into effect."

In accordance with the resolution the Executive Committee selected twelve subjects for review.

Two studies—structure and growth of Pennsylvania's economy, and fiscal operations of the Commonwealth—were conducted by the Executive Committee.

To facilitate execution of the following projects undertaken, small task forces, whose members were designated by the President Pro Tempore of the Senate and the Speaker of the House of Representatives, were appointed:

1. Advanced training opportunities for Pennsylvanians
2. Court procedure and administration and domestic relations laws
3. Decedents' estates laws
4. Highway safety
5. Motor vehicle laws
6. Occupational disease law and Commonwealth expenditures
7. Public schools: continuing study
8. Retirement laws: State and school employees

* Succeeded Albert S. Readinger.

** Resigned.

† Succeeded Hiram G. Andrews.

‡ Succeeded Mary A. Varallo.

9. Standards and specifications for nonhighway structures and equipment

10. Water and air pollution

In view of the technical nature of some of the problems encountered, advisory groups were appointed to consult with the task forces directing studies in certain areas.

Reports of findings and recommendations of the task forces, together with such supplemental recommendations as the Executive Committee may make, will be presented to standing committees designated by the President Pro Tempore and the Speaker. In three instances, it was the decision of the Executive Committee that the scope of the studies and the information developed warranted publication of separate reports. These reports, relating to advanced training opportunities for Pennsylvanians, structure and growth of Pennsylvania's economy, and occupational disease law and Commonwealth expenditures, will be submitted to the General Assembly of 1959.

On behalf of the Commission, the guidance of the advisors and the cooperation of the various Commonwealth departments and the Legislative Reference Bureau are gratefully acknowledged.

For the convenience of the members of the General Assembly, a complete listing of the Commission's publications is presented in this report.

BAKER ROYER, Chairman

Joint State Government Commission
Capitol Building
Harrisburg, Pennsylvania
January, 1959

EXECUTIVE COMMITTEE STUDIES

Structure and Growth of Pennsylvania's Economy

For the purpose of providing a solid factual background for economic policy on the state level, the Executive Committee undertook a comprehensive review of the structure and growth of Pennsylvania's economy. Comparisons with the nation as a whole and with comparable industrial states were made wherever pertinent.

In order to obtain an over-all view of levels and changes in levels of economic well-being, analyses were made of personal income, per capita personal income, and origin of personal income by major industrial sources such as agriculture, manufacturing, mining and other segments contributing a significant portion of personal income.

To supplement the analysis on the income levels, employment trends in different industrial divisions were ascertained. Special emphasis was accorded those manufacturing industries which have experienced marked fluctuations in employment levels. In view of the impact on Pennsylvania's economy of the decline, over the past few decades, in the mining industry, particularly in the anthracite fields, the mining situation was closely examined. Special attention was given to alternative employment opportunities, and population shifts in relation to alternative opportunities were analyzed.

See separate report to be issued entitled, Structure and Growth of Pennsylvania's Economy.

Fiscal Operations of the Commonwealth

In order to facilitate a continuous review of the financial

operations of the Commonwealth, four members of the Commission were designated to act as fiscal consultants.

The consultants appointed were:

On behalf of the Senate:

Edward J. Kessler

Harry E. Seyler*

On behalf of the House of Representatives:

Anthony J. Petrosky

Herman B. Willaredt

The scope of the review extended to all areas of the Commonwealth's fiscal operations.

As regards Commonwealth revenues, an evaluation of alternative components of the major tax bases was made to determine yield potentials, effects upon differently circumstanced taxpayers and different industries, and costs of administration and compliance.

In view of the relative budgetary importance of Commonwealth expenditures for education, health, public assistance and welfare, a comprehensive analysis was made of the cost of the programs involved.

The analysis covered:

1. Existing statutory commitments and anticipated demands for additional State services.

2. Alternative methods of administrative arrangements and cost differentials associated with such arrangements.

3. Allocation of financial responsibility between (a) private and public agencies, and (b) different levels of government.

Significant expenditure trends for major programs and yield trends for major sources of revenue were presented in an interim report entitled, Fiscal Trends, 1937-1957 which was furnished under date of April 25, 1958, to members of the Commission, and under date of July 2, 1958, to legislative candidates.

ADVANCED TRAINING

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Douglas H. Elliott

Jo Hays

William J. Lane

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William J. Reidenbach

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Alfred W. Beattie, Superintendent, Allegheny County Schools

Carl K. Dellmuth, Senior Vice President, Fidelity-Philadelphia Trust Company

* Appointed to fill vacancy created by the death of Joseph J. Yosko.

Reverend James A. Donnellon, O.S.A., President, Villanova University

George L. Haller, Vice President, General Electric Corporation

Edward H. Litchfield, Chancellor, University of Pittsburgh

Thomas B. McCabe, President, Scott Paper Company

The task force conducted a general survey of prevailing patterns of higher education here and abroad. Specifically the task force ascertained the percentage of persons in different age groups in full time attendance in schools in Pennsylvania, England-Wales, and the U.S.S.R. and compared the curricula—mandatory and optional—offered by educational institutions in Pennsylvania and various countries. Enrollment trends, expenditure trends, and geographic movements of students were examined. Public junior college programs were appraised and analyses of public and private institutions of higher learning were made. In reviewing existing and contemplated financial assistance programs for college students, particular attention was given to the recently enacted Federal student loan program and the student loan programs now in operation in Massachusetts and New York. Relevant material dealing with the relationship between mental ability and the likelihood of college success in different fields of study was examined.

The task force directed that two original surveys be undertaken; a survey of Pennsylvania colleges and universities, and a survey of high school seniors in Pennsylvania.

Survey of Pennsylvania Colleges and Universities

The colleges and universities were requested to complete comprehensive questionnaires designed to produce information relating to:

1. Existence and utilization of student financial assistance programs—loans, scholarships, and student employment opportunities.
2. Student drop-out rates by curricula and by years of college attendance.

Survey of Pennsylvania High School Seniors

A random sample of approximately 10,000 high school seniors in attendance at public, private, and parochial schools in Pennsylvania was selected for the purpose of ascertaining (1) family characteristics, (2) courses—academic, general, commercial, or vocational—pursued in high school, (3) grades attained, (4) mental ability, (5) future educational or vocational plans, and (6) changes in plans consequent upon the availability of student loans or scholarships. In the spring of 1958, questionnaires were completed by students in the sample and by their guidance counselors and, in the fall of 1958, high schools furnished information relating to current activities of the students in the sample.

The results of the surveys will be published in report form.

The Committee on Education of the Senate and the Committee on Education of the House have been designated by the President Pro Tempore and the Speaker, respectively, to receive the findings of the task force.

COURT PROCEDURE AND ADMINISTRATION AND DOMESTIC RELATIONS LAWS

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Sidney L. Krawitz, Esquire, Milford
Arthur Littleton, Esquire, Philadelphia
J. Wesley McWilliams, Esquire, Philadelphia
Victor J. Roberts, Esquire, Norristown
James W. Scanlon, Esquire, Scranton
Harry L. Siegel, Esquire, Lewistown

Bills to (1) provide for an administrator for the courts, an annual conference of judges and the assignment of judges to other judicial districts, (2) grant the rule-making power in criminal cases to the appellate courts, and (3) extend the Arbitration Act to Philadelphia County, were introduced at the 1957 Session of the General Assembly. Proposals (2) and (3) were enacted into law (Acts No. 380 and No. 181).

The task force undertook:

1. A review of legislation introduced at the 1957 Session of the General Assembly.

2. A study of the Judiciary Article (Article V) of the Pennsylvania Constitution.

3. A study of the time for appeals to the appellate courts.

4. A review of the procedural aspects of litigation dealing with divorce, marital property, support and custody of children.

5. A codification and revision of the marriage laws of the Commonwealth.

6. A codification and revision of the divorce laws of the Commonwealth.

The proposed codes attempt to modernize the Pennsylvania marriage and divorce laws so that they will be more in harmony with the needs of present times. This undertaking is not a new venture in this field of jurisprudence. New Jersey, Ohio, California, Illinois, Michigan, New York and many other states have been making critical evaluations of this area.

The proposed codes seek to (1) establish proper requirements for the issuance of marriage licenses and to provide for the elimination of unlicensed or so-called common law marriages; (2) effectuate economic justice and equality between husband and wife so that each has the capacity to deal with separate property; (3) eliminate the immunity provision between husband and wife and parent and child; (4) impose a duty to support the wife and children realistically, taking into account actual need and financial ability of the obligor; (5) provide for the equitable handling of custody cases and all relevant data concerning the family and the welfare of the child; (6) eliminate the status of illegitimacy where there is a purported marriage; and (7) establish a domestic relations division for each court which has jurisdiction over matrimonial matters. In addition, the proposed divorce code substitutes for the present inadequate divorce laws based upon rights or wrongs of the parties, a concern as to whether or not the particular marriage is "totally bankrupt or can be preserved."

The task force recommends:

1. That bills be reintroduced to provide for an administrator for the courts, an annual conference of judges and assignment of judges to other judicial districts.

2. That the time for taking appeals to the Supreme and Superior Courts be made uniform and that legislation therefor be drafted for the consideration of the General Assembly.

3. That The Divorce Law (1929, May 2, P. L. 1237) and The Pennsylvania Civil Procedural Support Law (1953, July 13, P. L. 431) be amended to consolidate actions concerning divorce, marital property, support and custody of children.

4. That the Proposed Marriage Code of 1959 be introduced.

5. That the Proposed Divorce Code of 1959 be introduced.

Bills incorporating the proposed amendments and the proposed codes will be prepared for the consideration of the General Assembly.

The Committee on Judiciary General of the Senate and the Committee on Judiciary of the House have been designated by the President Pro Tempore and the Speaker, respectively, to receive the findings and recommendations of the task force.

DECEDENTS' ESTATES LAWS

TASK FORCE

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M. Paul Smith, Esquire, Norristown

Boyd Lee Spahr, Esquire, Philadelphia

Honorable Edward Leroy van Roden, Media

Paul C. Wagner, Esquire, Philadelphia

Honorable J. Colvin Wright, Bedford

Adolph L. Zeman, Esquire, Washington

The advisory committee, which was appointed in 1945 and which prepared the decedents' estates laws of the Commonwealth presently in force, was reactivated by the Executive Committee in the 1955-1957 biennium to (1) review existing statutes and to screen proposed amendments to the laws relating to decedents' estates and (2) consider the codification and revision of the inheritance and estate tax laws of the Commonwealth. The latter undertaking grew out of a suggestion from the Attorney General. The continuation of these studies was referred to the task force.

The task force:

1. Reviewed proposed amendments to the laws relating to decedents' estates and recommends reintroduction of the amendments to the Fiduciaries Act of 1949 contained in House Bill 1481, Printer's No. 919, Session of 1957.

2. Reviewed the codification and revision of the in-

heritance and estate tax laws contained in a proposed inheritance and estate tax act of 1959, prepared by the advisory committee.

While Pennsylvania was the first state to enact an inheritance tax act (1826, April 7, P. L. 227), the mechanics for imposing and collecting the tax have long remained in need of clarification. The advisory committee in the preparation of the proposed act sought to codify in readily understandable form existing statutory and case law, making changes only in those instances where experience has shown that present procedures are needlessly cumbersome to the taxpayer and unrewarding to the Commonwealth. No suggestions are made regarding change of tax rates, recommendations regarding exemptions and change of classifications are kept to a minimum.

Copies of the tentative drafts of the proposed legislation were critically examined by the bench and bar, numerous groups having specialized knowledge of the subject, as well as by general practitioners. The Commission and its advisors have been aided substantially in their work by the Department of Justice, and have received helpful suggestions and advice from many groups, among them the Inheritance Tax Committee of the Tax Section of the Pennsylvania Bar Association, the Pennsylvania Bankers Association, Philadelphia Trust Companies Committee, Philadelphia Bar Association Tax Committee, and Philadelphia Bar Association Orphans' Court Committee, as well as many individuals, whose cooperation is gratefully acknowledged.

Bills incorporating the proposed amendments and the proposed code will be prepared for the consideration of the General Assembly.

The Committee on Judiciary General of the Senate and the Committee on Judiciary of the House have been designated by the President Pro Tempore and the Speaker, respectively, to receive the findings and recommendations of the task force.

HIGHWAY SAFETY

TASK FORCE

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 Anthony J. Petrosky

SENATE MEMBERS

George N. Wade, Vice Chairman
 Anthony J. DiSilvestro
 Benjamin R. Donolow
 Thomas A. Ehrgood
 John Carl Miller
 Theodore H. Schmidt
 G. Robert Watkins
 Edward B. Watson

The task force surveyed highway accident experience in Pennsylvania, comparable states, and in the nation. Generally speaking, no reliable over-all accident rates

are available. However, as regards fatalities, often regarded as an index of highway safety, it should be noted that between 1956 and 1957 Pennsylvania's motor vehicle fatality rate declined from 4.8 to 4.5 deaths per 100 million vehicle miles; the comparable national rates were 6.3 and 5.9, respectively.

The task force undertook extensive investigation in three areas: driver education and licensing, highway design characteristics, and traffic control.

Driver Education and Licensing

The task force reviewed the traffic safety programs in Pennsylvania and comparable states. As appraised by the National Safety Council, which annually evaluates state traffic safety programs, Pennsylvania ranked above the national average in 1956 and its score improved between 1956 and 1957.

As regards drivers' licenses, Pennsylvania issues learners' permits, operator's licenses and school bus operator's licenses; some comparable states issue as many as six types of licenses. Many comparable states issue special "restricted" licenses to minors and special licenses for professional drivers such as bus, truck and taxi drivers.

In Pennsylvania the main requirement to obtain a learner's permit is that the applicant must have attained the age of 16. Virtually all comparable states require an applicant for a learner's permit to give evidence that his vision is adequate, and some of the states require tests covering knowledge of the road rules, recognition of road signs, and ability to read.

Pennsylvania and comparable states require, prior to the issuance of an operator's license, that the applicant give evidence as to the adequacy of his vision, his knowledge and understanding of road rules and highway signs, and his ability to operate a motor vehicle. In this connection, it should be noted that in Pennsylvania, in the recent past, about 38 percent of the applicants for an operator's license failed on their first attempt to pass the driving ability test. Percentages for comparable states ranged from 22 to 33.

Pennsylvania is one of four states in the nation which requires annual renewal of all operator's licenses on the same date; in most states an operator's license is valid for a period of several years and is renewable either on the operator's birthday or on expiration of a certain time period subsequent to the date of issuance.

Highway Design Characteristics

The task force examined the accident experience of two-, three-, and four-lane highways in relation to traffic volumes and design characteristics, and reviewed the effects of medial barriers on the frequency and severity of accidents.

The evidence indicates that, except under special conditions, three-lane highways generate a disproportionate number of accidents.

Medial barriers, particularly on limited access highways, tend to reduce the number of head-on collisions typically associated with high fatality rates, but tend to increase side-swiping and rear-end and fixed-object collisions. An objective evaluation of the effect of medial barriers upon fatality rates is not possible with the evidence at hand.

Traffic Control

The task force compared types of highway signs used

in Pennsylvania, other states and foreign countries.

The task force studied the mechanical operation of radar as a speed detecting device. A survey of the states which employ radar as a speed detecting device showed that no objective evidence is available that would permit measurement of its effect upon the frequency and severity of traffic accidents.

The Committee on Highways of the Senate and the Committee on Highways of the House have been designated by the President Pro Tempore and the Speaker, respectively, to receive the findings of the task force.

MOTOR VEHICLE LAWS

TASK FORCE

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Thomas A. Frascella
C. O. Williams

SENATE MEMBERS

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Miles R. Derk
Thomas J. Kalman
Arthur E. Kromer

ADVISORS

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Pennsylvania CIO Council
William S. Canning
Keystone Automobile Club
Edward Gogolin
Pennsylvania Motor Truck Association
E. J. Henry
Pennsylvania State Police
Peter Keblish
Pennsylvania State Association of Township Commissioners
Charles F. LeeDecker
Pennsylvania State Association of Boroughs
Park H. Loose
District Attorneys' Association of Pennsylvania
Paul W. Magill
Pennsylvania Bus Association
Joseph A. McDonough
Pennsylvania Federation of Labor
J. Collins McSparran
Pennsylvania State Grange
A. E. O'Brien
Associated Pennsylvania Constructors
John N. O'Neil
Pennsylvania League of Cities
Edwin W. Parkinson
Pennsylvania Automotive Association
C. E. Pugh
Pennsylvania Motor Federation
W. F. Richardson
Associated Petroleum Industries of Pennsylvania
J. Frederick Schofer
Pennsylvania Magistrates Association
O. D. Shipley
Bureau of Highway Safety, Department of Revenue

Governor's Traffic Safety Council

Samuel Siegle

Pennsylvania Chiefs of Police Association

Lewis M. Stevens

Department of Highways

A. Allen Sulcowe

Department of Revenue

Homer W. Teamer

Insurance Federation of Pennsylvania, Inc.

H. A. Thomson

Pennsylvania State Association of Township Supervisors

The task force undertook:

1. A codification of statutes relating to vehicles, tractors, and financial responsibility.

2. A review of proposed changes in the motor vehicle laws.

At a public hearing, held on April 28, 1958, interested parties presented their views and suggestions for codification and for changes in existing law.

In view of the magnitude of the task and the effect of changes in the law in this area, the Commission, at the request of the task force, appointed 22 advisors to aid in the review of the work of codification and to advise concerning proposed amendments.

The task force recommends:

1. That the proposed codification be approved.

2. That changes in the law submitted by the task force be in the form of amendments to the proposed code.

Bills incorporating recommendations will be prepared for the consideration of the General Assembly.

The Committee on Highways of the Senate and the Committee on Motor Vehicles of the House have been designated by the President Pro Tempore and the Speaker, respectively, to receive the findings and recommendations of the task force.

OCCUPATIONAL DISEASE LAW

TASK FORCE

SENATE MEMBERS

James S. Berger, Chairman
Hugh J. McMenamin

HOUSE MEMBERS

William E. Brown, Vice Chairman
George X. Schwartz

CONFEREES

Thomas Donaghy
Anthracite Institute
Paul H. Ferguson, Esquire
Pennsylvania Manufacturers Association Casualty Insurance Company
Thomas Kennedy
United Mine Workers of America
Robert T. Laing
Central Pennsylvania Coal Producers' Association
Walter F. Schulten
Western Pennsylvania Coal Operators Association
Peter A. Theodos, M.D.
Jefferson Medical College

The task force traced the origin of occupational disease legislation in Pennsylvania and examined, in detail, the Occupational Disease Law of 1939 and its amendments, together with pertinent court opinions and administrative rulings. In addition, the legal concept of total disability and the medical concept of physical impairment were compared.

Changes in Commonwealth expenditures for total disability under the Occupational Disease Law associated with increases in the number of persons receiving occupational disease compensation were examined. On the basis of these trends, anticipated Commonwealth expenditures for the biennium 1959-1961 were estimated.

The geographic distribution of persons receiving occupational disease compensation was ascertained. In view of the geographic concentration of persons receiving compensation in anthracite producing counties, the task force explored the economic characteristics and changes in the economy of the anthracite region.

See separate report to be issued entitled, Anthracosis and Commonwealth Expenditures Under the Occupational Disease Law.

The Committee on Labor and Industry of the Senate and the Committee on Labor Relations of the House have been designated by the President Pro Tempore and the Speaker, respectively, to receive the findings of the task force.

CONTINUING STUDY ON PUBLIC SCHOOLS

TASK FORCE

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Joseph M. Barr
Martin L. Murray
Albert R. Pechan
Henry J. Proport

HOUSE MEMBERS

Stanley G. Stroup, Vice Chairman
A. V. Capano
George A. Goodling
Robert K. Hamilton
Evelyn Glazier Henzel

In furtherance of the objectives of the continuing study on public schools, authorized by House Concurrent Resolution No. 79, Session of 1953, the task force directed detailed analyses of interrelationships of the components of the public school reimbursement system; auditing school district finances, and academic backgrounds of public senior high school mathematics and science teachers.

Interrelationships of the Components of the Public School Reimbursement System

The adequacy of the number of resident public school pupils as a measure of local need for school services was evaluated. Existing statutes do not consistently measure need in terms of resident public school pupils. In the case of kindergarten programs, which are not mandated by statute, the number of teachers employed rather than the number of pupils enrolled is used to determine the State subsidy payable. Again, the statutes do not provide for the exclusion from reimbursement computations of

children whose schooling is not financial obligation of any school district, such as juveniles who have been committed by the courts to institutions and whose school bill is paid by the Commonwealth, and those tuition pupils whose schooling is paid for directly from private sources.

Under Act of 1957, July 13, P. L. 864, school districts are reimbursed on the basis of \$5,800 per teaching unit of 22 secondary or 30 elementary pupils, or actual instruction cost, whichever is lower. During the 1956-1957 school year, actual instruction cost in the public schools of the Commonwealth ranged from less than \$4,000 per teaching unit to more than \$12,000 per teaching unit. For the same school year, about one-fourth of the school districts with 13 percent of public school enrollment operated their elementary schools at an instruction cost level below \$5,800, and about one-tenth of the districts with approximately 5 percent of public school enrollment operated their secondary schools at a cost level below \$5,800 per teaching unit.

The effect of supplemental payments as an incentive to the formation of larger school attendance areas was analyzed. Under existing statutes many school districts, too small to offer an acceptable educational program at a reasonable cost, receive supplemental subsidies, while larger school districts which, in fact, offer such programs are not eligible for supplemental payments. Although supplemental payments are provided to encourage formation of larger school administrative units, other provisions of the School Code tend to counteract their effect. For example, reimbursement for pupil transportation is conditional on the classification of the district; if the population of a given district reaches 30,000, the transportation reimbursement will be discontinued.

As regards school building construction, it may be noted that applications for reimbursable school building projects, which cannot be approved for reimbursement by the Department of Public Instruction because of the exhaustion of the legislative authorization of \$925 million, total in excess of \$300 million. In the past, each increase of \$100 million in the legislative authorization has generated a biennial Commonwealth subsidy cost of approximately \$6 million.

The relationship between school building costs and the proportion of space devoted to nonclassroom use was examined. For secondary school building projects reimbursable under the Act of 1956, March 22 P. L. (1955) 1315, per pupil costs varied directly with the proportion of space devoted to special purposes. For example, in buildings where the division between regular classroom space and special purpose space was 50-50, the per pupil cost was about \$1,500. However, in buildings where 70 percent of the area was special purpose space, the per pupil cost exceeded \$2,600.

Auditing School District Finances

The provisions of the pertinent statutes designed to safeguard school district funds derived from both local and Commonwealth sources were evaluated. In addition to the provisions of the School Code which make the performance of certain functions mandatory on depositories of school district funds, existing law provides for the auditing of school district accounts by (1) locally-elected or appointed auditors, (2) the Auditor General of the Commonwealth, and (3) the comptroller of the Department of Public Instruction.

A thorough examination of the record in the case of *Commonwealth v. Faber E. Stengle*, Indictment Nos. 468-475, June Sessions 1958, Court of Quarter Sessions, Delaware County, Pennsylvania, which involved embezzlement of school district funds by means of extensive forgery, disclosed that local auditing operations were performed in a perfunctory manner. The evidence strongly suggests that perfunctory auditing by local auditors is not an uncommon practice.

Under Act of 1957, July 13, P. L. 897, "The comptroller of the Department of Public Instruction shall perform regular audits and field audits and, in his discretion, may perform special audits and field audits of accounts of all school districts, examining all records of receipts and expenditures . . ." According to Official Opinion No. 164 of the Attorney General of the Commonwealth, December 1, 1958, the Auditor General has the duty under The Fiscal Code of 1929 to audit the accounts and records of every school district in the Commonwealth to assure that Commonwealth money is expended. ". . . for no purpose other than that for which it was paid."

As regards the auditing of local school district accounts by two agencies of the Commonwealth, the Attorney General, in the above-mentioned opinion, observed:

"Under this mandate, we advise that the Department of the Auditor General cooperate with the Department of the Public Instruction as far as possible by coordinating auditing work, eliminating duplication and overlapping of functions, and, above all, by avoiding the appearance of undue harassment by the Commonwealth of local school districts. To the extent that these potential evils of waste, confusion, duplication, overlapping of functions and harassment of school districts cannot be shunned, the overall problem of school district auditing might well be reconsidered by the Legislature with a view to amending the law to provide a solution."

Academic Backgrounds of Public Senior High School Mathematics and Science Teachers

In 1956, there were 2,028 certified mathematics teachers and 2,029 certified science teachers in the public senior high schools of Pennsylvania.

To be certified to teach a given subject, a prospective teacher is required to have completed at least 18 semester hours of college training in that subject. In this connection, it should be noted that most colleges in Pennsylvania require at least 24 semester hours for a major in mathematics and from 30 to 38 semester hours, depending upon the specific field, for a major in science. In other words, the collegiate requirements for a major in either mathematics or science are above the state certification requirements.

As regards the mathematics and science teachers in service in the public senior high schools in Pennsylvania in 1956, 59 percent of the mathematics teachers had completed less than 24 semester hours of mathematics and 54 percent of the science teachers had completed less than 36 semester hours of science. In other words, less than 45 percent of the mathematics and science teachers in the public senior high schools met collegiate standards for a major in their fields.

The Committee on Education of the Senate and the Committee on Education of the House have been desig-

nated by the President Pro Tempore and the Speaker, respectively, to receive the findings of the task force.

RETIREMENT LAWS: STATE AND SCHOOL EMPLOYEES

TASK FORCE

HOUSE MEMBERS

Marvin V. Keller, Chairman
Adam T. Bower
Herbert Fineman
Philip Lopresti

SENATE MEMBERS

Albert R. Pechan, Vice Chairman
Benjamin R. Donolow
Robert D. Fleming
Harry E. Seyler

The task force undertook:

1. A codification of statutes relating to the retirement of State employes and a codification of the statute relating to the retirement of public school employes.

2. The development of a uniform procedure to provide for transfers (a) between retirement systems and (b) among types of service within a retirement system.

In view of the highly technical nature of the undertaking, the task force utilized the services of the Technical Committee on Public Retirement Systems appointed by the Executive Committee on December 26, 1956. The members of the technical committee are George A. Huggins, consulting actuary for the State Employes' Retirement System, George B. Buck, F.S.A., consulting actuary for the Public School Employes' Retirement System, and Paul H. Wueller, Ph.D., Associate Director in Charge of Research and Statistics of the Joint State Government Commission.

Under the direction of the task force, the Proposed State Employes' Retirement Code of 1959, which combines into one code the provisions of the State Employes' Retirement Statute and the State Police Retirement Statute, and the Proposed Public School Employes' Retirement Code of 1959 were prepared and circulated among interested parties. In addition, uniform procedures for inter- and intrasystem transfers were developed.

Bills incorporating the proposed codes and the uniform transfer procedures will be prepared for the consideration of the General Assembly.

The Committee on Education of the Senate and the Committee on State Government of the House have been designated by the President Pro Tempore and the Speaker, respectively, to receive the findings of the task force.

STANDARDS AND SPECIFICATIONS FOR NON-HIGHWAY STRUCTURES AND EQUIPMENT

TASK FORCE

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Willard F. Agnew, Jr.
Paul F. Luty

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 Wilmington, Delaware
 M. Edwin Green, FAIA
 Harrisburg, Pennsylvania
 B. Kenneth Johnstone, AIA
 Pittsburgh, Pennsylvania
 Jerrold Loebl, FAIA
 Chicago, Illinois
 Howard Dwight Smith, FAIA*
 Columbus, Ohio

The task force reviewed a series of bills contemplating the establishment of a State Architect's Office and specifying its operations, which were before the 1957 Session of the General Assembly, and evaluated the functions which such an office could be expected to perform.

At the invitation of the task force, the advisory panel made:

1. A detailed survey of the procedures followed in connection with the planning, designing, financing and construction of Commonwealth buildings.

2. An analysis of procedures employed in connection with public school buildings partially financed with Commonwealth funds, together with an examination of the costs of school buildings of varying capacities and different space utilization patterns.

3. An evaluation of the utilization of architectural and engineering services in the planning and construction of public buildings in other states.

4. A study of the organizational pattern and administrative costs of a state architectural agency.

The task force reviewed the materials developed and evaluated the findings of the advisory panel.

The Committee on State Government of the Senate and the Committee on State Government of the House have been designated by the President Pro Tempore and the Speaker, respectively, to receive the findings of the task force.

WATER AND AIR POLLUTION

TASK FORCE

HOUSE MEMBERS

Harry W. Price, Jr., Chairman
 Harris G. Breth
 Joseph A. Ide
 Granville E. Jones
 Paige Varner

*Deceased.

SENATE MEMBERS

Ernest F. Walker, Vice Chairman
 Harold E. Flack
 Robert D. Fleming
 William Vincent Mullin
 George J. Sarraf

The task force reviewed existing statutory provisions and administrative practices relating to the control of water and air pollution.

At a public hearing on June 18, 1958, interested parties were invited to present their suggestions with respect to the need, if any, for additional pollution control legislation and the specific form of such additional legislation.

At a later date, the task force consulted with the heads of the several State departments concerned with water and air pollution problems.

The task force examined and evaluated factual evidence and alternative remedial policies relating to the following areas:

1. Sewage disposal in real estate subdivisions.

2. Prevailing levels of pollution in the streams of the Commonwealth and the effect of such pollution upon water for human, industrial, and recreational purposes, and upon aquatic life; and the effect of mine sealing programs on stream pollution abatement as well as the economic feasibility of significantly reducing the extent of acid mine drainage in the Commonwealth.

3. The effectiveness of the existing Commonwealth sewage treatment subsidy program; the extent and conditions of Federal aid for the construction of sewage treatment plants, and the feasibility of integrating Federal and State programs.

4. The feasibility and effect of local, state, or joint administrative control on the prevention or abatement of air pollution. In this connection, the task force reviewed the extent and content of local anti-air pollution ordinances.

5. The necessity for amending existing law to give the Department of Health explicit authority to regulate the disposal of radioactive wastes.

The Committee on Public Health and Welfare of the Senate and the Committee on Game and Conservation of the House have been designated by the President Pro Tempore and the Speaker, respectively, to receive the findings of the task force.

JOINT STATE GOVERNMENT COMMISSION ACT
 [1956, May 15, P.L. (1955) 1605]

No. 535

AN ACT

Amending the act of July one, one thousand nine hundred thirty-seven (Phamphlet Laws 2460), entitled "An act creating a joint legislative commission, to be known as the Joint State Government Commission; providing for the appointment of its members; and defining its powers and duties," further providing for membership of the commission, its chairman and executive committee, and the powers and duties of the commission, and providing for the scheduling of its meetings; imposing powers and duties on standing committees of the General Assembly.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Title, act of July 1, 1937, P. L. 2460, amended.

Section 1. The title, act of July one, one thousand nine hundred thirty-seven (Phamphlet Laws 2460), entitled "An act creating a joint legislative commission, to be known as the Joint State Government Commission; providing for the appointment of its members; and defining its powers and duties," is amended to read:

Title

AN ACT

Creating a joint legislative commission, to be known as the Joint State Government Commission; providing for [the appointment of its members and] its membership, chairman and executive committee; defining its powers and duties; and defining the powers and duties of standing committees of the General Assembly.

Section 1, act of July 1, 1937, P. L. 2460, amended March 8, 1943, P. L. 13, further amended.

Section 2. Section one of the act, amended March eight, one thousand nine hundred forty-three (Phamphlet Laws thirteen), is amended to read:

Section 1. Be it enacted, &c., That the [Speaker of] entire membership of the House of Representatives [shall appoint twelve members of the House and the President pro tempore shall appoint twelve members of] and the entire membership of the Senate [who together with the President pro tempore of the Senate and the Speaker of the House of Representatives] shall constitute a continuing joint legislative commission, to be known as the Joint State Government Commission.

Joint State Government Commission.

[The members of the commission shall be appointed during each odd-numbered year and shall continue as members of the commission until the first day of February of the next odd-numbered year, and until their respective successors shall be appointed. Said].

Members of executive committee.

The President pro tempore of the Senate, the Speaker of the House of Representatives, the majority and minority leaders of each house, the majority and minority whips of each house, and the chairman of the majority and minority caucuses of each house, shall constitute the executive committee of the commission.

Chairman.

The commission shall organize by the selection of a chairman who shall be selected by the executive committee and who shall be ex officio a member of the executive committee without a vote.

Powers of commission.

The commission shall have power to employ a director and such professional, technical, clerical and other assistance as may be deemed necessary. [Said]. The commission shall have power to call upon any department or agency of the State Government for such information as it deems pertinent to the studies in which it is engaged. [Said]

The commission shall also have the power to [designate members of the General Assembly to such subcommittees as it shall create for the purpose of making investigations and studies, and to] designate persons, other than members of the General Assembly, to act in advisory capacities.

Time of organization of commission and executive committee.

The commission shall organize within thirty days after the final enactment of this act, and thereafter the executive committee shall hold the organization meeting within thirty days after the convening of the regular session of the General Assembly beginning with the regular session of 1957.

Meetings.

Meetings of the commission shall be scheduled by the executive committee. The executive committee shall conduct the business of the commission and shall meet at the call of the chairman or upon written request of six or more members thereof.

Section 2, act of July 1, 1937, P. L. 2460, amended June 26, 1939, P. L. 1084, further amended.

Section 3. Section two of the act, amended June twenty-six, one thousand nine hundred thirty-nine (Pamphlet Laws 1084), is amended to read:

Powers and duties of the commission.

Section 2. [Said] The commission shall have power and its duty shall be:

(a) [To investigate departments, boards, commissions and officers of the State and local governments, and to study their legislative, financial and other problems.

(b) To make studies for the use of the legislative branch of the government, seeking to improve the administrative organization of the State and local governments, to eliminate waste and overlapping functions and to institute economies.

(c) To suggest ways and means of financing the Commonwealth upon a more scientific and equitable basis.

(d) To gather budget information for the use of the General Assembly.

(e)] To make such [other] investigations and studies and to gather such [other] information as may be deemed useful to General Assembly and to the standing committees of the Senate and the House of Representatives

[[f)] (b) To sit during the interim between legislative sessions.

[[g)] (c) From time to time, to report to the General Assembly or to the various standing committees of the Senate and the House of Representatives such findings and recommendations accompanied with such drafts of legislation as it deems necessary for the information of and consideration by the General Assembly.

(d) To furnish such technical staff services as shall be requested by the standing committees of the Senate and House of Representatives during regular or special sessions of the General Assembly.

Section 3, act of July 1, 1937, P. L. 2460, amended.

Section 4. Section three of the act is amended to read:

Section 3. [Any vacancies occurring in the membership of said commissions shall be filled by appointments, by the Speaker or President pro tempore, of members of the

House or Senate, as the case may be to take the place of those persons whose membership in the House or Senate may have ceased.]

Studies and investigations

The commission shall undertake, through the standing committees of the Senate and House of Representatives, such studies and investigations as the General Assembly by resolution shall direct.

Joint study committee.

When a study or investigation is to be made, the Speaker of the House of Representatives shall designate the appropriate standing committee of House and the President pro tempore of the Senate shall designate the appropriate standing committee of the Senate, to make such study or investigation. These two standing committees, when so designated, shall constitute a joint study committee of the commission for such purpose.

Meeting of joint study committees.

During the interim between sessions of the General Assembly, each joint study committee assigned to make a study shall meet at the call of the chairman of the commission or at the joint call of the chairman of the designated standing committees of the Senate and House of Representatives.

Section 4, act of July 1, 1937, P. L. 2460, amended March 8, 1943, P. L. 13, further amended.

Section 5. Section four of the act, amended March eight, one thousand nine hundred forty-three (Pamphlet Laws 13), is amended to read:

Appropriation for expenses.

Section 4. Biennially an item of appropriation shall be inserted in the General Appropriation Bill to pay the expenses of the members of the commission as constituted by this act, and for the salary of the director, clerical and other hire and incidental expenses. No member of the commission shall receive any remuneration, salary or expenses as a member of the commission other than remuneration, salary and expenses as a member of the General Assembly and travelling expenses incurred upon the business of the commission or its study committees.

Section 6. Said act is amended by adding, after section four, a new section to read:

Act of July 1, 1937, P. L. 2460, amended by adding a new section 5.

Section 5. For the purposes of this act, the standing committees of the Senate and House of Representatives shall continue during the interim between sessions.

APPROVED—The 15th day of May, A. D. 1956.

GEORGE M. LEADER

The foregoing is a true and correct copy of Act of the General Assembly No. 535.

HENRY E. HARNER,
Secretary of the Commonwealth.

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PENNSYLVANIA HIGH SCHOOL SENIORS, 1958

— THEIR MENTAL ABILITY

— THEIR ASPIRATIONS

— THEIR POST-HIGH SCHOOL ACTIVITIES

A Report
of the

JOINT STATE GOVERNMENT COMMISSION
1959

The Joint State Government Commission was created by Act of 1937, July 1, P. L. 2460, as amended 1939, June 26, P. L. 1084; 1943, March 8, P. L. 13; 1956, May 15, P. L. (1955) 1605, as a continuing agency for the development of facts and recommendations on all phases of government for the use of the General Assembly.

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1957-1959

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Hiram G. Andrews, Treasurer*

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Guy W. Davis, Counsel and Director

Paul H. Wueller, Associate Director in Charge of
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1959-1961

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Baker Royer, Chairman

Frank W. Ruth, Vice Chairman

Albert W. Johnson, Secretary

Hiram G. Andrews, Treasurer

* Succeeded Albert S. Readinger.

** Resigned.

† Succeeded Hiram G. Andrews.

‡ Succeeded Mary A. Varallo.

⁴ Act of 1947, July 9, P. L. 1468.

⁵ Senate Concurrent Resolution, Serial No. 110, Session of 1953.

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LETTER OF TRANSMITTAL

To the Members of the General Assembly of the Com-
 monwealth of Pennsylvania:
 In view of the intense interest in education, particu-

larly post-high school education, the Executive Commit-
 tee of the Joint State Government Commission initiated
 a study of high school seniors in attendance at public,
 parochial and private schools of Pennsylvania for the
 purpose of ascertaining their intellectual ability, courses
 pursued in high school, family characteristics, educational
 aspirations and post-high school activities.

A task force was duly appointed to undertake the study.
 This report, which is supplemented by a technical report,
 presents some of the major facts and findings of the task
 force.

In addition, the Executive Committee appointed a panel
 of advisors who undertook an independent evaluation of
 the problems of higher education in Pennsylvania and
 furnished the Commission with a report, which, on be-
 half of the Commission, is gratefully acknowledged.

The Joint State Government Commission acknowledges
 the cooperation of the administrative officers and staffs
 of the public, parochial and private schools, colleges and
 universities, all of whom contributed materially to the
 study undertaken by the task force.

BAKER ROYER, Chairman

Joint State Government Commission
 Capitol Building
 Harrisburg, Pennsylvania
 April 1959

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INTRODUCTION

Attempts at the evaluation of educational policy are likely to prove futile until a choice has been made among alternative educational objectives. Although the ends of

education are many, it is helpful to distinguish, for the purpose at hand, between education that purports by the use of the tools of "experimentalism" to facilitate "life adjustment" and education which aims to improve the competency of an individual in definable areas of knowledge.

There seems to be substantial agreement among state departments of education, the United States Office of Education, and school administrators as to the primary aims of "life adjustment" education. For example, the Pennsylvania Department of Public Instruction officially observes that "the elementary school program for boys and girls should be designed to 'Help them adjust more perfectly to their age-mates, and as they later become adults bring them into more complete adjustment to the world of people.'"¹ Again, as regards secondary education, the United States Office of Education notes that "Life adjustment education is designed to equip all American youth to live democratically with satisfaction to themselves and profit to society as home members, workers, and citizens . . . Many high schools . . . continue to be dominated by traditional curriculum patterns which emphasize verbal and abstract learning or place undue emphasis on specialized courses useful to a relatively small number of pupils."²

It would appear that the "life adjustment" approach has found its collegiate counterpart in what may be designated as the "open-door" approach. This approach is well illustrated by the remarks of a Midwestern educator who speaks of the role of the state university as ". . . growing out of and flourishing in the very soil of democracy, supported and maintained by the people, committed unequivocally to a more highly trained intelligence of the masses, believing that the door to intellectual opportunity should never be closed, maintaining a wide open door for all those who are willing to make the trial."³

The educationists who subscribe to the "life adjustment" approach usually frown upon such practices as the measurement of a student's performance by reference to objective standards and the encouragement of competitive scholarships and, they insist, quite logically, that school systems be appraised by reference to enrollment. In the phraseology of the United States Office of Education, school systems should be ". . . —available to all, enrolling all, and meaningful to all— . . ."⁴

Given the objectives of "life adjustment" education, it seems reasonable to approximate its success in terms of the relative number of students in fulltime attendance at some educational institution. For example, school attendance in Pennsylvania is compulsory from the 8th birthday (although most pupils enter earlier) to the 17th birthday. In England-Wales, attendance is compulsory from the 5th birthday to the 15th birthday, and in the Union of Soviet Socialist Republics, attendance is compulsory from the 9th birthday (although many pupils enter earlier) to the 14th birthday. On the basis of such data as are available, it seems reasonable to assume that probably more than 95 percent of persons in the compulsory attendance age groups attend school full time. Again,

¹ Commonwealth of Pennsylvania, Department of Public Instruction, Elementary Education: Local Participation in Statewide Revision of the Elementary School Curriculum, Bulletin 233-A (1946).

² United States Office of Education, Developing Life Adjustment Education in a Local School, Circular No. 253 (February 1949).

³ See "The Role of the State University in the Educational Matrix," an address by Stanley J. Wenberg, Assistant to the President, University of Minnesota, published in Summary of Proceedings of the Conference of State Higher Education Study Commissions, Council of State Governments (1958). See also A Study of the Need for Additional Centers of Public Higher Education in California, California State Department of Education (1957).

⁴ Federal Security Agency, Office of Education, Vitalizing Secondary Education: Education for Life Adjustments, Report of the First Commission on Life Adjustment Education for Youth, Bulletin 1951, No. 3 (1951).

in Pennsylvania in 1955-1956, 20.5 percent of the persons aged 18-22 attended college. In this connection, it should be noted that the percentage figure does not include students still in high school or attending technical institutes and business schools offering advanced training. In England-Wales in 1951-1952, of the group of persons aged 15-18, between 15 and 17 percent attended secondary or collegiate institutions, and of the persons aged 19-22, 6 percent were full-time students primarily at collegiate institutions. In the Union of Soviet Socialist Republics in 1955-1956, it has been estimated that 33 to 38 percent of the age group 14-17 were enrolled full time in school, and 8 to 12 percent of the age group 17-22 attended institutions offering advanced training.⁵

Though the number of men and women of college age currently attending institutions of higher learning in Pennsylvania is relatively high, it has been contended that in the future college enrollments will substantially increase because of estimated population growth and increasing interest in college attendance.⁶ In connection with these predictions, which fail to recognize the extent to which anticipated increases in earning capacity affect college attendance, it should be observed that over the past thirty years the difference between the income of college and university trained men and women and the earnings of the working population as a whole has decreased.⁷

Though emphasis upon quantity since the turn of the century has given American education its distinct character, in the recent past inquiries concerning the quality of education have been undertaken with increasing frequency. For instance, the President's Committee on Education Beyond the High School observes, "If an unwelcome choice were required between preserving quality and expanding enrollments, then quality should be preferred, because it would do neither individuals nor the Nation any good to masquerade mass production of mediocrity under the guise of higher education."⁸ Quite often these inquiries into quality have been coupled with queries regarding equality of educational opportunity. There have been assertions that equality of educational opportunities, particularly on the post-high school level, is an ideal rather than a reality. Ever since the first invasion of space by a satellite which did not bear the label "made in the U.S.A." there have been angry and anxious remonstrances. Some of the remonstrators have informed the public in no uncertain terms that unless equality of educational opportunity—that is, equal opportunity for all students with the ability prerequisite to mastery of the arts and sciences—is made an operating institution, the nation will continue to "lose talent," "waste human resources," and ultimately fail in the competition for world leadership.

Government on all levels—Federal, state and local—has been urged to provide all those who have adequate intellectual capacity and motivation with the means to

take advantage of educational opportunity beyond the high school level. The means urged are many. Some advocate publicly-financed scholarships, some urge increased state assistance to privately-owned institutions of learning, others wish to bring opportunities of higher education to every doorstep by the establishment of community colleges, and many favor comprehensive student loan plans. All these suggestions have been woven into the fabric of higher education. Basically, they do not represent innovation, and policy decisions, in the main, relate to extensions of accepted practices.

The most significant extension in recent years has been in the area of student loans. In 1956, the Commonwealth of Massachusetts established a general plan designed to enable residents to borrow on their own signatures for the purpose of completing their collegiate education. The State of New York established a similar plan in 1957, and the Federal Government entered the student loan field in 1958.

Briefly, the New York and Massachusetts plans make it possible for a student attending college full time to borrow on his own signature from a commercial bank. In both states the loans are guaranteed by a specially-established fund, privately subscribed in Massachusetts and supplied by legislative appropriation in New York. In Massachusetts, students who have successfully completed the freshman year are eligible for loans up to \$500 per year, subject to a per-student limit of \$1,500. In New York, the annual limits for loans are as follows: freshmen, \$500; sophomores and juniors, \$750; seniors and graduate students, \$1,000; subject to an over-all limit of \$5,000 per student. In both Massachusetts and New York the interest rate is administratively determined. In Massachusetts, loans must be repaid within three years after graduation, whereas the repayment period in New York is six years.

Under the National Defense Education Act of 1958, students borrow directly through the institutions which they attend. Ninety percent of the loan funds are furnished by the United States Government and 10 percent by the institution. Students can borrow up to \$1,000 per year, subject to an over-all limit of \$5,000 per student. The interest rate is 3 percent and loans are expected to be repaid within ten years; In the case of students who enter the teaching profession and serve in a public elementary or secondary school, up to 50 percent of the loan is canceled at the rate of 10 percent per teaching year.

Prior to the introduction of the Federal plan, Massachusetts commercial banks, two years after the establishment of the loan plan, were lending at an annual rate of about \$10 per full-time college student. Similarly, New York banks, one year after the establishment of the plan, were lending at an annual rate of about \$15 per full-time student. If Congressional appropriations are made in accordance with the schedule established by the National Defense Education Act, annual allotments in the amount of \$33 per full-time student will be available in Pennsylvania. In view of the relatively favorable terms of the Federal loan plan, the future of state loan plans is conjectural.

Each loan plan gives some recognition to quality. In Massachusetts, loans are restricted to a student who has "... satisfactorily completed the requirements of freshman year of his program of higher education."⁹ In New

⁵ Pennsylvania data obtained from the Pennsylvania Department of Public Instruction; England-Wales data obtained from World Survey of Education, UNESCO (1955); Union of Soviet Socialist Republics data obtained from World Survey of Education, UNESCO (1955); A. G. Korol, Soviet Education for Science and Technology (1957); and Education in the USSR, United States Department of Health, Education and Welfare, Office of Education (1957).

⁶ Higher Education in the Commonwealth, Report of the Governor's Commission on Higher Education (February 1, 1957).

⁷ See David M. Blank and George J. Stigler, Demand and Supply of Scientific Personnel (1957), and H. S. Houthakker, "Education and Income," The Review of Economics and Statistics (February 1959).

⁸ The President's Committee on Education Beyond the High School, Second Report to the President, (July 1957).

⁹ Massachusetts Higher Education Assistance Corporation, Agreement to Guarantee Loans made under the Higher Education Loan Plan of Massachusetts Higher Education Assistance Corporation.

York, a student must demonstrate "... ability and desire to complete a college course and obtain a degree."¹⁰ The declaration of policy of the Federal act states in part, "We must increase our efforts to identify and educate more of the talent of our Nation. This requires programs that will give assurance that no student of ability will be denied an opportunity for higher education because of financial need; ..." Although quality is given some recognition by each of the loan plans, it should be pointed out that none provides for a uniform standard of quality. Under these plans, the quality judgments are made by individual institutions of learning. The evidence shows conclusively that there are pronounced variations in standards. For example, a national survey shows that, in terms of a widely accepted index of intelligence, the average intelligence of the population of the United States as a whole equals 100. In terms of the same index, one half of the entering freshmen showed an intellectual ability ranging from 99 to 117 in one college and from 126 to 137 in another college.¹¹

There appears to be renewed interest in finding the means to improve the competency of individuals in the arts, sciences and vocations. Hence, it becomes of critical importance to identify those who may be presumed to have both the intellectual ability and the motivation to give fair promise of success and to ascertain those facts which are pertinent in evaluating the importance of lack of resources. Mental ability without motivation is not adequate to the task. Motivation without mental ability is foredoomed to failure. Mental ability and motivation cannot be effective without resources.

Inasmuch as knowledge of intellectual ability is of critical importance in evaluating the likelihood of successful completion of education beyond the high school, the intellectual capacity of the young men and women who graduated in 1958 from public, parochial and private high schools in Pennsylvania has been ascertained. Measurement of intellectual capacity is not only important in connection with predictions relating to success in college, but also facilitates evaluation of subsidiary problems relating to college. For example, it will be shown that the chance of graduation of a student at the upper extreme of the intelligence scale is 30 times greater than the chance of graduation of a student at the lower extreme. Such marked variations in chances of success are of necessity associated with significant differences in cost. Again, it will be shown that some 6,000 1958 high school graduates whose intellectual ability is such as to give them less than a fifty-fifty chance of graduating from college have, in fact, entered college on a full-time basis. This finding has some bearing upon the question of plant expansion in institutions of learning.

Throughout the report, student aspirations and post-high school activities are related to intellectual ability, sex, education of parents, size of family, and occupation of father. The report also presents detailed data relating to the young men and women who, in the spring of 1958, expressed a preference for college or noncollege training.

Section I

IDENTIFICATION AND MEASUREMENT OF THE CHARACTERISTICS OF HIGH SCHOOL SENIORS

Mental ability, motivation and resources are the major determinants of both the likelihood that a post-high school program will be undertaken and the chances that it will be successfully completed. Hence, means must be found to measure or approximate these characteristics.

The tasks at hand present varying degrees of difficulty. No objective measures of motivation are available; all appraisals of motivation are largely matters of judgment. In the case of resources, which, given access to family records, could be measured in terms of income and assets, subjective evaluations are required to determine the extent to which income or assets are available for education.

Mental ability cannot be measured directly but must be inferred from performance. For example, if a student can identify correctly all of the words in a vocabulary test in 20 minutes, it is inferred that he has a given verbal ability. It is further inferred that his verbal ability is superior to that of another student who requires 30 minutes to complete the test and to that of some third student who is unable to identify all of the words. Specific tests, frequently measuring several aspects of ability, have been designed which permit a relatively objective measurement of intelligence.

With a view of ascertaining student characteristics, a survey involving direct contact with high school seniors, their guidance counselors and the administrative officers of the institutions which they attended, was conducted in the spring of 1958. In order to ascertain the extent to which aspirations were realized, a follow-up survey was conducted in the fall of 1958. The study was conducted on a sample basis. Contact was made with approximately 10,000 students.¹

Pennsylvania schools—public, parochial and private—use a variety of tests to ascertain the mental ability of their students. Under the circumstances, it became necessary to develop a procedure which would permit conversion of the individual test results into comparable measures of intelligence. Because of the specialized nature of the operation involved, the Commission engaged the American Institute of Research, specialists in psychological testing, to develop conversion coefficients. Scores obtained on the various mental ability tests used in Pennsylvania schools were converted into stanine (standard nine) scores.²

Table 1 shows the relationship between stanine categories and intelligence test scores. Inasmuch as more than two thirds of the 1958 seniors had taken either an Otis Test of Mental Ability or a California Test of Mental Maturity, the table presents stanine conversions for these tests. The table shows that students scoring 122 or over on an Otis test, or 126 or over on a California test, fall into the ninth stanine category. At the other extreme, all students scoring 78 or less on an Otis test or 76 or less on a California test, fall into the first stanine category.

¹⁰ New York Higher Education Assistance Corporation, Memorandum of Procedures in Processing Applications for Loan Under NY-Student Loan Plan (1958).

¹¹ Dael Wolfe, *America's Resources of Specialized Talent* (1954).

¹ See Pennsylvania High School Seniors, 1958: Their Mental Ability, Their Aspirations, Their Post-High School Activities, A Technical Supplement, Joint State Government Commission (1959) for a discussion of sampling procedures.

² See Pennsylvania High School Seniors, 1958: Their Mental Ability, Their Aspirations, Their Post-High School Activities, A Technical Supplement, Joint State Government Commission (1959) for a discussion of conversion procedures.

Table 1

RELATIONSHIP BETWEEN STANINE CATEGORIES AND SCORES RECEIVED ON OTIS TEST OF MENTAL ABILITY AND CALIFORNIA TEST OF MENTAL MATURITY

Stanine Category	Otis I. Q. Score	California I. Q. Score
(1)	(2)	(3)
1	78 and below	76 and below
2	79- 84	77- 83
3	85- 90	84- 90
4	91- 96	91- 97
5	97-103	98-104
6	104-109	105-111
7	110-115	112-118
8	116-121	119-125
9	122 and above	126 and above

SOURCE: American Institute for Research, Pittsburgh, Pennsylvania.

Table 2 shows, by stanine, the estimated distribution, in absolute numbers and in percentages, of the 106,700 high school seniors of 1958. Examination of the table shows that approximately 23,600, or 22.1 percent are in stanine five. As regards the extremes, approximately 7,000, or 6.6 percent are in stanine nine and 1,500, or 1.4 percent, are in stanine one.

Table 2

ESTIMATED DISTRIBUTION OF PENNSYLVANIA HIGH SCHOOL SENIORS BY STANINE CATEGORY SENIOR CLASSES OF 1958

Stanine Category	Number	Percent
(1)	(2)	(3)
1	1,500	1.4
2	3,600	3.4
3	8,700	8.2
4	16,000	15.0
5	23,600	22.1
6	21,500	20.1
7	15,200	14.2
8	9,600	9.0
9	7,000	6.6
All Stanine Categories	106,700	100.0

SOURCE: Joint State Government Commission survey of 1958 high school seniors.

Section II outlines the post-high school aspirations of the graduating seniors as of the spring of 1958 and the post-high school activities of these seniors as of the fall of 1958. Section III relates personal characteristics (mental ability, motivation and sex) and family characteristics (education of parents, size of family, and occupation of father) to aspirations and activities. In Section IV an attempt is made to relate both student aspirations and post-high school activities of students to the organization of education in Pennsylvania.

Section II

POST-HIGH SCHOOL ASPIRATIONS AND ACTIVITIES: A COMPARISON

Aspirations, Spring 1958

Prior to graduation, Pennsylvania high school seniors expressed a variety of preferences regarding the activities in which they wished to engage after graduation. Some indicated that they wanted to go to work, some expressed a preference for the armed services, others indicated an interest in going to college, and some looked forward to post-high school training other than college.

The total number of students (men and women combined) classified according to mental ability and according to preference are shown in Chart I. The chart facilitates an over-all view of the distribution of preferences in terms of numbers.

However, there were marked variations in preferences between men and women. Both differences and similarities in preferences of men and women are shown in Chart II, which presents, for men and women separately, the percentages in each stanine who, in the spring of 1958, indicated various post-high school aspirations.

The percentages of both men and women expressing a preference for college increased with stanine level, but at all stanine levels larger proportions of men than women expressed an interest in college. For example, in the case of men, the percentages expressing a desire to attend college full time in the fall of 1958 increased from about 17 percent in stanine one to 85 percent in stanine nine; in the case of women, the comparable percentages increased from 7 to 75 percent. Similarly, the percentage of both men and women expressing a preference to start work or to take further non-college training tended to decrease as stanine level increased, but at all stanine levels the percentages for men were less than for women. For example, the proportion of men expressing a desire to start work decreased from about 34 percent in the first stanine to 1 percent in the ninth stanine; in the case of women, between 31 and 37 percent expressed a desire to start work in each of the stanines one through five, and the percentage reached a low of 8 percent in the ninth stanine.

With respect to aspirations for noncollege post-high school training, the percentage of men decreased from about 20 in stanine two to 1 in stanine nine, whereas the percentage of women remained above 30 percent in stanines one through four and decreased a little to about 10 percent in stanine nine. However, the evidence suggests that some of the men who expressed a preference for military service were primarily interested in technical training courses offered by the armed forces. The percentage of men indicating an interest in military service approximated 20 percent in stanines one through five and decreased to approximately 4 percent in stanine nine.

Activities, Fall 1958

Post-high school activities do not necessarily conform to aspirations expressed prior to graduation. Generally speaking, the differences, if any, between activities and aspirations result from changes in the preferences of individuals or inability of individuals to realize their aspirations. Inability to realize aspirations may be attributable to changes in circumstances or failure, in the first place,

to make realistic appraisals. Some individuals aspiring, prior to graduation, to go to college failed to realize their aspirations, but other individuals who did not express an interest in college actually entered college in the fall of 1958.

Chart III shows the total number of students (men and women combined) classified according to mental ability and according to post-high school activity.

Comparison of Charts I and III shows:

(1) The number of seniors attending college or taking noncollege training was smaller than the number who had expressed an interest in these post-high school activities.

(2) The number of men and women employed was greater than the number contemplating employment prior to graduation.

Chart IV shows, for men and women separately, the estimated percentages by stanine who, in the fall of 1958, were engaged in specified activities. As in the case of aspirations (Chart II), the chart shows both similarities and differences between men and women. For both men and women, the percentages attending college increased as stanine level increased, but at each stanine level the percentages for men were greater than for women. Similarly, for stanines four through nine, the percentages of both men and women who were working in the fall of 1958 decreased as stanine level increased; in general, the percentages for women were larger than for men.

When college and noncollege training are combined, the percentages are approximately the same for men and women. However, at each stanine level, larger percentages of women than of men were taking noncollege training. It should be remembered that a larger percentage of men in each stanine category are in military service and that military service may be a partial substitute for post-high school training.

Generally speaking, the proportion of students—both men and women—not working decreased as stanine level increased. However, at all stanine levels, the proportion of men not working was less than that for women. The proportion of men not working decreased from about 16 percent in stanine one to less than 1 percent in stanine nine; in the case of women, percentages decreased from 31 in stanine one to 6 in stanine nine.

Comparing Chart II, relating to aspirations, with Chart IV, relating to activities, it should be noted that the differences between aspirations and activities are more pronounced in the low stanines, and vary markedly by sex. For example, although 17 percent of men and 7 percent of women in stanine one aspired to college, but 6 percent of the men and apparently none of the women were actually in attendance; on the other hand, 85 percent of men and 75 percent of women in the ninth stanine expressed a preference for college, and 81 percent of men and 61 percent of the women actually attended. Similarly, although 31 percent of the women and 13 percent of the men in stanine one were interested in noncollege training, the percentages taking such training were 12 and 1, respectively; on the other hand, 10 percent of the women and 1 percent of the men in stanine nine were interested in noncollege training, and 15 percent of the women and 1 percent of the men were taking such training.

Section III

POST-HIGH SCHOOL TRAINING: COLLEGE AND NONCOLLEGE

The preceding sections have shown that many students fail, after graduation from high school, to realize the aspirations which they expressed prior to graduation. Moreover, the extent to which aspirations are realized varies with both mental ability and sex. This section presents a more detailed analysis of the aspirations and activities of high school graduates in the area of post-high school training. An attempt will be made throughout to relate both aspirations and activities to personal and family characteristics. Data relating to college and non-college aspirations and activities are presented separately.

COLLEGE

Aspirations and Activities: A Comparison

Of the 42000 high school seniors who, prior to graduation, expressed the desire to attend college full time in the fall of 1958, 26,200 were in full-time attendance and about 15,800 did not realize their aspirations. However, an additional 2,100 high school graduates who had not expressed an interest in attending college full time were, in fact, in full-time attendance.

Chart V shows, by stanine level, the number of graduating seniors attending college full time and the number who had full-time college aspirations but were not in attendance in the fall of 1958. In addition, the chart shows, for both groups by stanine level, the number who can be expected to graduate, based upon national experience.¹

The chances of graduation vary with stanine level, increasing sharply as stanine level increases. For example, of the 5,100 ninth stanine students attending college, 4,700, or 92 percent, can be expected to graduate. As regards the 4,000 stanine five students, 1,500, or 38 percent, can be expected to graduate. In passing, it should be noted that the percentage expected to graduate decreases to less than 3 percent for students in stanine one.

As regards the 28,300 students in college, about 18,000 can be expected to graduate. If the 15,800 students desiring college full time but not attending had had an opportunity to attend, about 7,900 could have been expected to graduate. In other words whereas 64 percent of the group in college can be expected to graduate, of the group not in attendance, but 50 percent, if afforded an opportunity to attend, could be expected to graduate.

It should be noted that the marked variations in likelihood of graduate associated with students of different mental abilities have far-reaching cost implications. It is estimated that the cost of maintaining a student in a Pennsylvania institution of learning for one year, exclusive of room and board, approximates \$1,300.² This cost is financed by tuition fees (averaging \$550 in Penn-

¹ The percentages expected to graduate are based upon national data presented in Wolfe, America's Resources. Data obtained from a study of dropout rates in Pennsylvania colleges and universities, although not complete, indicate that over-all Pennsylvania experience was somewhat better than the national experience. In connection with these rates, it should be remembered that they are averages and that they should be applied only to institutions or types of institutions whose standards approximate the average.

² The cost has been approximated by dividing expenditures on current account of Pennsylvania institutions of higher learning by the estimated number of students (full-time equivalent). However, there are marked variations in cost among institutions and among programs in a given institution.

sylvania institutions in 1957) and by private benefactions, and, in the case of State-aided and State-owned institutions, by Commonwealth appropriations. On the basis of dropout rates estimated from national data,⁸ it is estimated that it costs approximately \$5,500 to produce a graduate of ninth stanine caliber. Similarly, it is estimated that it costs \$9,900 to produce a graduate of fifth stanine caliber, and \$22,200 to produce a graduate of third stanine caliber.

Chart VI shows, for men and women separately, the number who indicated a preference for college as well as the number actually in college, classified by stanine. Comparison of Chart VI and Chart V indicates that, generally speaking, the distributions of all students, of women students and of men students are similar. Examination of Chart VI shows:

- (1) Stanine by stanine, a larger number of men than women attended college full time in the fall of 1958.
- (2) More women than men in stanines seven, eight and nine had college aspirations but were not in attendance; the reverse was true for students in stanines five and six.

In Section II it was observed that a smaller proportion of women than of men expressed an interest in college. This, in part, explains the difference in attendance rates. In addition, further analysis of the data relating to college aspirations and attendance indicated that, at all stanine levels, women were less successful than men in realizing their aspirations for college training and for both men and women, the degree of success increased as stanine level increased.

Table 3

Estimated Percentages of Men and Women Students Desiring to Attend College Full Time in the Fall of 1958 Who Were Not in Attendance, by Major Reason Anticipated for Not Attending, by Stanine Group

Major Reason Anticipated for Not Attending College					
Stanine Group	Financial	Academic ¹	Other	No Response	Total
(1)	(2)	(3)	(4)	(5)	(6)
Men					
1-5	41.3%	43.1%	8.3%	7.3%	100.0%
6-7	50.9	30.9	12.2	6.0	100.0
8-9	57.5	22.0	14.1	6.4	100.0
All Stanines	47.3	35.4	10.6	6.7	100.0
Women					
1-5	49.0	30.7	10.3	10.0	100.0
6-7	60.3	16.2	16.8	6.7	100.0
8-9	67.4	4.5	24.9	3.2	100.0
All Stanines	56.6	20.5	15.4	7.5	100.0

¹ Includes choice of course not qualifying students for admission to college as well as poor student performance in courses leading to college.

SOURCE: Joint State Government Commission survey of 1958 high school seniors.

Table 3 presents, for men and women aspiring to college but not attending, their anticipated reasons for non-attendance. The table indicates that 47 percent of the

men, as compared to 57 percent of the women, listed financial difficulties as the major reason for not attending college; on the other hand, 35 percent of the men, as compared to 21 percent of the women, listed academic deficiencies as the major reason. The importance of these reasons for not attending college varied markedly by stanine. For example, in the case of men students, the proportion listing financial reasons increased from 41.3 percent in stanines one through five to 57.5 percent in stanines eight and nine, whereas the proportion listing academic reasons decreased from 43.1 percent to 22.0 percent. In the case of women students, the percentage citing financial reasons increased from 49.0 percent for stanines one through five to 67.4 percent in stanines eight and nine, whereas the percentage listing academic reasons decreased from 30.7 percent to 4.5 percent, respectively.

Effect of Family Characteristics upon Aspirations and Activities

This subsection relates such personal characteristics as mental ability and sex, and such family characteristics as level of education of parents,⁴ size of family and occupation of father, to level of interest in college and to college attendance.

It should be noted that family characteristics are quite often interrelated. For example, there appears to be a close relationship between education and occupation. Again, there seems to be a relationship between size of family and resources available for college training. In turn, resources available for college training vary by occupation.

Chart VII shows the effect of family characteristics (level of education of parents, size of family and occupation of father) and of personal characteristics (mental ability and sex) upon level of interest in college and college attendance. Specifically, the chart shows for students with given characteristics in stanines eight and nine combined (Graph 1), six and seven combined (Graph 2), and one through five combined (Graph 3), percentages who were attending college in the fall of 1958, who were interested in college but were not attending,⁵ and who were not interested in college. Each of the bars in the chart includes all students with the specific characteristics listed to the left of Graph 1.

The first bar in Graph 1 shows that 96 percent of the men (stanines eight and nine combined), one or both of whose parents had graduated from college, expressed an interest in attending college; 85 percent (96 percent minus 11 percent on the horizontal scale) were actually in attendance in the fall of 1958; and 4 percent expressed no interest in attending college. Similarly, the second bar in Graph 1 shows that 88 percent of the women (stanines eight and nine combined), one or both of whose parents graduated from college, expressed an interest in attending college; 77 percent were in attendance and 12 percent expressed no interest in college.

Examination of Graph 1 permits the following generalizations with respect to high school seniors in stanines eight and nine:

⁴ Level of education of parents is defined in terms of the highest educational level attained by either parent.

⁵ Includes students interested in attending college in the fall of 1958 on a part-time or full-time basis and students interested in attending college at some future date.

⁸ Wolfe, America's Resources.

Differences in college interest and attendance by sex:

- (1) Regardless of educational level of parents, larger proportions of men than of women were interested in college.
- (2) Similarly, larger percentages of men than of women actually attended college.
- (3) In the case of both men and women, the percentage not realizing their aspirations for college increased as educational level of parents decreased. However, the percentage was identical for men and women in the case of seniors one or both of whose parents had graduated from college, but was markedly dissimilar in the case of men and women neither of whose parents had graduated from college.

Differences in college interest and attendance by size of family:

- (1) A larger proportion of students from small families than from large families expressed an interest in college regardless of educational level of parents.
- (2) Similarly, larger proportions of students from small than from large families were in attendance at college.
- (3) The proportion not realizing their college aspirations increased as level of education of parents decreased, but at all levels this proportion was greater for students from large families than for students from small families.

Differences in college interest and attendance by occupation of father:

- (1) As regards students one or both of whose parents graduated from college, occupation of father had but little effect upon college aspirations. However, the proportion not realizing their aspirations showed marked variations.
- (2) As level of education of parents decreased, the effect of the father's occupation upon both college aspirations and extent to which aspirations were realized became more pronounced.

Comparison of Graphs 1, 2 and 3 permits the following generalizations with respect to the effect of stanine level upon both college aspirations and the extent to which these aspirations were realized:

- (1) In general, the percentage of students expressing an interest in college as well as the percentage actually in attendance decreased as stanine level decreased.
- (2) The pattern of differences in aspirations and in degree of realization associated with personal and family characteristics, which was observed in connection with students in stanines eight and nine (Graph 1), also characterizes students in stanines six and seven (Graph 2) and one through five (Graph 3). However, these differences generally become more pronounced as stanine level decreases.
- (3) Although stanine level was an important characteristic affecting aspirations and degree of realization, the expected effect of stanine level was in some instances offset by educational level of parents and occupation of father. For example, 75 percent of the students in stanines one through five with specified family characteristics—father's occupation, professional; educational level, college—had college aspirations, and 53 percent were in actual attendance. On the other hand, about 62 percent of students in

stanines eight and nine with different family characteristics—father's occupation, craftsman; educational level, grade school—expressed an interest in college, and but 36 percent of these students were in actual attendance.

The over-all effect of stanine level is illustrated by the bar at the bottom of each graph. About 80 percent of the students in stanines eight and nine expressed an interest in college as compared to 57 percent of the students in stanines six and seven and 33 percent of the students in stanines one through five. Sixty-one percent of the students in stanines eight and nine, 33 percent of the students in stanines six and seven, and 12 percent of the students in stanines one through five were attending college in the fall of 1958.

NONCOLLEGE

No generally-accepted standards have been developed by reference to which the probable performance of students taking post-high school noncollege training can be evaluated. Again, an analysis of the data relating to personal and family characteristics and level of motivation for post-high school training other than college did not indicate any clearly defined relationships.

Of the 19,900 high school seniors who, prior to graduation, expressed a desire to take further noncollege training, about 5,800 were taking such training, but nearly 14,100 failed to realize their aspirations.^a On the other hand, an additional 4,900 who had not expressed an interest in noncollege training were, in fact, taking such training.

Chart VIII shows the number of men and women who were taking noncollege training in the fall of 1958 and the number who indicated an interest in such training but did not realize their aspirations. Examination of the chart shows that the distributions for men and women are markedly different. Larger numbers of women than men in each stanine category were taking noncollege training and, in addition, larger numbers of women than of men expressed an interest in noncollege training but were not taking such training.

In Section II it was noted that a considerably higher proportion of women than of men expressed an interest in noncollege training. It is interesting to observe that, although more women than men did not realize their ambition for noncollege training, a larger relative number of women than of men interested in such training were actually in training. The realization rate tended to increase as stanine level increased. For example, the percentage realizing their ambition for noncollege training increased from 18 percent in stanine three to 46 percent in stanine nine, in the case of women; the percentages for men increased from 5 to 25 percent.

The differences in the distributions of men and women arise, in large part, by reason of the relatively large number of women—nearly 4,500—who entered nurses' training courses at hospitals. The intelligence distribution of the students who entered nurses' training more closely resembles that of women entering college than that of women taking other types of noncollege training.

As regards differences in numbers, it should be noted

^aIn this connection it should be remembered that many of the 8,400 men who entered the military service were interested in technical training courses offered by the armed forces.

that, in addition to the large numbers of women entering nurses' training, groups of comparable size aspire to and actually enter training for the secretarial and related fields. It is because of these well-established occupational objectives of women—the counterparts of which are not found at the noncollege level in the case of men—that the demand on the part of women for post-high school noncollege training is greater than the demand for such training on the part of men.

An analysis of the aspirations of students taking noncollege training indicates that this training was a substitute for college in the case of many high school seniors. Specifically, nearly 50 percent of the men and 30 percent of the women taking noncollege training had, prior to graduation, expressed an interest in college. The extent of substitution tended to vary by stanine, increasing in the case of men from 44 percent in stanines one, two and three to 65 percent in stanines eight and nine; the comparable percentages for women were 28 and 43 percent, respectively.

Section IV

ASPIRATIONS, POST-HIGH SCHOOL ACTIVITIES AND THE ORGANIZATION OF EDUCATION IN PENNSYLVANIA

In sections II and III the aspirations of Pennsylvania high school seniors were presented. Aspirations prior to graduation and post-high school activities of graduates were compared. Finally, differences in rates of aspiration realization were related to personal and family characteristics.

It will be recalled that some 6,000 seniors who were in full-time college attendance in the fall of 1958 have less than a fifty-fifty chance of graduating.

It will also be remembered that of the 42,000 seniors who expressed an interest in full-time college attendance, 15,800 failed to enter college in the fall. Of the 15,800 seniors who were interested in college but did not realize their college aspirations, 8,800 had a better than fifty-fifty chance of graduating had they succeeded in entering college. As regards the 8,800 seniors, 3,700 indicated that they needed a degree to enter the profession of their choice, 1,000 felt that a college education would improve their earning power, and 1,100 indicated that they wished to go to college because they were interested in academic pursuits. Again, about 600 felt that college attendance would afford them an opportunity to make a more rational decision regarding their lifework and 600 gave social or prestige considerations as the major reason for their interest in college.

Again, of the 8,800 college-motivated seniors whose intelligence was such as to give them a better than fifty-fifty chance of graduating had they succeeded in entering college, about 58 percent cited finances as the major reason for nonattendance and 20 percent indicated that their academic deficiencies made college attendance unlikely.

A similar situation obtained with respect to high school seniors who were interested in post-high school training other than college. Of a total of 5,500 men who had indicated an interest in post-high school training other than college, about 12 percent were actually in training in the fall of 1958. Of the 14,400 women who had indicated an

interest in post-high school training other than college, 36 percent were actually in training in the fall of 1958.

In the remainder of this section, the organization of education in Pennsylvania will be outlined. It is the purpose of this outline to relate the organizational characteristics of the educational structure to both aspiration formulation on the part of students and failure of many students to realize their aspirations.

During the school year 1956-1957, 2,331,108 students were in full-time attendance in kindergarten, elementary and secondary schools—public and nonpublic. Of this total, 1,811,991 attended public schools and 519,117 were in nonpublic schools. As of November 1956, an estimated 132,390 students (full-time equivalent) were in attendance at institutions of higher learning. It is estimated that of this total, 15,155 attended Commonwealth-owned and Commonwealth-operated teachers' colleges, 49,415 were in attendance in the four State-aided private universities and 67,820 were in attendance at other private institutions of higher education.

As regards magnitude of State financial support of public schools, State-owned teachers' colleges and State-aided private institutions of higher learning, the General Assembly in 1957 appropriated, and the Governor approved, a total of \$808,898,631. Of this total, \$728, 478, 686 was appropriated for public school purposes,¹ \$17,352,125 was appropriated to teachers' colleges, and \$53,978,520 to State-aided institutions of higher learning. The remainder—\$9,089,300—was appropriated for other educational purposes.

Although, in connection with Commonwealth support of education, the dollar amounts are important, the conditions under which these amounts become available are of equal significance. It is the conditions under which subsidies become available which provide the basis for inferences concerning objectives of public policy.

The conditions under which Commonwealth subsidies have been made available to State-aided and State-owned institutions of higher learning, in contrast to the conditions under which State subsidies are made available to the public schools, have never been statutorily formalized. As regards Commonwealth subsidies to private institutions of higher learning, the General Assembly in the past has appropriated specified amounts for so-called "general maintenance." In addition, the General Assembly has, from time to time, appropriated amounts for such specialized programs as the operation of specified schools, departments, or research projects in designated State-aided institutions.

Inasmuch as these appropriations represent an investment on the part of taxpayers, it is of interest to ascertain the mental ability of the students in whose future the investments were made, and to compare the mental ability of these students with that of students entering private institutions of learning not receiving State aid. Table 4 presents, for State-aided private universities, other private colleges and universities, and State teachers' colleges, the distribution of mental ability of Pennsylvanians who graduated from high school in 1958 and

¹ Includes subsidies on instructional account and subsidies on capital account, subsidies on subsidiary accounts such as pupil transportation, appropriations to Public School Employees' Retirement Board and appropriations to the Department of Health for school health services and miscellaneous specialized programs such as education of the blind and education of veterans' orphans.

entered college in the fall of that year. Examination of the table shows:

Table 4

Estimated Percentage Distributions, by Stanine Level, of Students Entering State-Aided Universities, Other Private Colleges and Universities and State Teachers' Colleges in the Fall of 1958, by Sex Graduating Classes of 1958

	Stanine Level			
	8 and 9	6 and 7	1-5	Total
(1)	(2)	(3)	(4)	(5)
State-aided Universities				
Men	39.8%	41.4%	18.8%	100.0%
Women	45.4	40.7	13.9	100.0
Total	41.6	41.1	17.3	100.0
Other Private Colleges and Universities				
Men	39.3	43.2	17.5	100.0
Women	32.4	47.8	19.8	100.0
Total	36.8	44.9	18.3	100.0
State Teachers' Colleges				
Men	15.9	46.0	38.1	100.0
Women	22.1	48.1	29.8	100.0
Total	19.4	47.2	33.4	100.0

SOURCE: Joint State Government Commission survey of 1958 high school seniors.

- (1) The distribution of mental ability of students entering State-aided universities was similar to that of students entering other private colleges and universities. The proportion of students in stanines one through five was 17.3 per cent, in the case of State-aided institutions, and 18.3 per cent in the case of other private institutions. At the other extreme, 41.6 per cent of the students entering State-aided institutions were in stanines eight and nine, as compared to 36.8 per cent for other private institutions.
- (2) In the case of teachers' colleges, 33.4 per cent of the high school graduates entering as freshmen in 1958 were in stanines one through five and 19.4 percent were in stanines eight and nine. There were marked relative differences between mental ability distributions of men and women entering State teachers' colleges. For example, 22.1 per cent of the women and 15.9 per cent of the men were in stanines eight and nine, as compared to 29.8 per cent of the women and 38.1 per cent of the men in stanines one through five.²

It would appear that the policy objectives which led to the practice of making legislative appropriations to private institutions in Pennsylvania represent an alternative to the so-called "open-door" policy that led to the establishment of state-owned and state-operated institutions in other states. Again, it would appear that the

rationale of the policy under which legislative appropriations are made to private institutions of higher learning in Pennsylvania is to make it possible for these institutions to charge lower fees or lower tuition, with the result that, through lowering the price, higher education will be brought within the reach of more students.

The effect of this policy much be evaluated by reference to administrative practices of institutions of higher learning as well as the effect of lower fees or lower tuition upon the total cost of higher education to the student and his family. As regards administrative practices of institutions of learning, it may be noted that, although fees at one State-aided institution in Pennsylvania are less for resident students than for nonresident students, charges are not differentiated by reference to the financial status of the student. This means that lower fees or lower tuition are available to all students regardless of financial status and, for that matter, regardless of intellectual ability within the tolerances of the institution's administrative standards.³

In passing, it may be noted that, for the year 1956-1957, Commonwealth appropriations for "general maintenance" per full-time equivalent student for the four State-aided institutions of learning ranged from \$385 to \$1,750. Though this contribution may be presumed to have kept tuition at a lower level than it otherwise would have been, there is reason to believe that the extent to which students have been able to take advantage of the lowering of tuition cost depends, in large part, upon the distances between their homes and the institutions under review. The evidence suggests that the closer to a State-aided institution a student's residence, the greater the chances that he will be able to take advantage of these State subsidies.

This problem was recognized by the Governor's Commission on Higher Education which noted in its report that the percentages of college-age youth attending undergraduate school in Pennsylvania ranged from 4.3 per cent for Luzerne County to 28.4 per cent for Centre County. In connection with these variations, the commission observed "The wide variation from county to county of the high school graduates going to college reflects problems of location of institutions and the financial status of the area concerned."⁴

Map 1 facilitates evaluation of the relative importance of distance between student's residence and institutions of learning and levels of income. Specifically, the map divides the Commonwealth into seven regions and for each region it presents:

- (1) for men and women separately, the number of Pennsylvania freshmen enrolled in 1958 in the institutions of learning located in the region divided by the number of seniors who graduated in 1958 from high schools in the region;
- (2) the relationship of average regional wages to average wages in Pennsylvania;⁵
- (3) the location of degree-credit institutions of higher learning (including extension centers).

² A separate analysis of the occupational aspirations of high school seniors indicated that the proportion of women aspiring to the teaching profession increased as stanine level increased—from 2 per cent in stanine one to 21 per cent in stanine nine. On the other hand, the percentage of men aspiring to the teaching profession remained relatively constant—at about 6 percent throughout the entire stanine range.

³ This effect is partially offset by senatorial scholarships and by university scholarships to exceptional students.

⁴ Higher Education in the Commonwealth, Report of the Governor's Commission on Higher Education (February 1, 1957).

⁵ Based on total wages, first quarter 1957, of all employees covered by the Pennsylvania Unemployment Compensation Law and covered employment as of March 1957.

Examination of the map shows:

- (1) In Region I, which was characterized by above-average wage levels, the male freshman enrollment, consisting of Pennsylvania residents, was the equivalent of 59.8 per cent of the number of male students graduating from public, parochial and private high schools within the region; the comparable percentage for women was 28.9 per cent.
- (2) Comparable percentages for Region VII were 19.4 and 14.3 for men and women, respectively.
- (3) As regards Regions I and VII, it should be noted that Region I is characterized by a relatively heavy concentration of institutions of higher education and by a wage level above the state average, whereas Region VII is characterized by relatively few institutions of higher education and average wages below the state average.

The effect of both proximity and the presence of a State-aided institution are brought into high relief by examination of Region IV. The enrollment percentages for Region IV excluding Centre County—the location of Pennsylvania State University—were 26.3 and 15.3 for men and women, respectively. However, the comparable percentages for Region IV including Centre County were 134.9 and 80.4 for men and women, respectively.*

Among the other determinants of college attendance, guidance ranks high. It will be recalled that, of the high school seniors whose mental ability was such as to give them a better than fifty-fifty chance of graduating had they entered college, 23,900 had no college aspirations. Of this group, about 1,500 came from families which, as a rule, provide children with a high level of motivation for going to college.⁷ It is likely that the members of this group have strong alternative noncollege preferences. However, it may be presumed that many other members of the senior class of 1958, whose mental ability was such as to give them a better than fifty-fifty chance of college success had they entered college, might have developed college aspirations if they had had competent guidance in high school.

Table 5 portrays the extent of guidance services in the public secondary schools of the 67 counties of the Commonwealth. Examination of the table shows that 214 schools were without certified guidance counselors, 556 schools had 300 or more pupils per guidance counselor and 116 had less than 300 pupils per guidance counselor. In half of the schools employing one counselor for 300 or more pupils, counselors devoted all of their time to counseling. Again, in but 12 per cent of the schools employing one counselor for 299 or less pupils, counselors devoted full time to guidance. In connection with these ratios, it may be noted that Dr. James Bryant Conant, formerly President of Harvard University and currently engaged in a comprehensive study of American high

TABLE 5
DISTRIBUTION OF PUBLIC SECONDARY SCHOOLS BY RATIO OF
PUPILS TO CERTIFIED GUIDANCE COUNSELORS BY
COUNTY, 1957-1958

	Number of Schools					
	With One Certified Guidance Counselor for		With Certified Guidance Coun- selsors (Total)	For Which No Data Are Avail- able	With No Certi- fied Guidance Counselors	Total Number of Schools
(1)	299 or Less Students	300 or More Students				
State	116	556	672	98	214	984
Adams	..	5	5	..	1	6
Allegheny	18	71	89	17	17	123
Armstrong	..	8	8	2	1	11
Beaver	..	12	12	2	3	17
Bedford	1	3	4	1	2	7
Berks	1	19	20	3	4	27
Blair	2	5	7	1	2	10
Bradford	..	3	3	1	4	8
Bucks	..	15	15	..	2	17
Butler	1	6	7	2	4	13
Cambria	4	12	16	3	7	26
Cameron	..	1	1	..	..	1
Carbon	..	4	4	4	2	10
Centre	..	6	6	..	..	6
Chester	1	12	13	..	..	13
Clarion	1	5	6	..	2	8
Clearfield	..	3	3	1	6	10
Clinton	..	3	3	..	2	5
Columbia	1	7	8	1	1	10
Crawford	1	6	7	2	3	12
Cumberland	2	11	13	..	..	13
Dauphin	1	8	12	..	7	19
Delaware	4	18	24	..	5	29
Elk	..	2	2	1	2	6
Erie	1	15	16	1	8	25
Fayette	2	10	12	1	7	20
Forest	2	..	2	..	..	2
Franklin	1	6	7	..	3	10
Fulton	..	1	1	1	2	4
Greene	..	2	2	2	2	6
Huntingdon	..	3	3	1	2	6
Indiana	1	5	6	2	1	9
Jefferson	1	3	4	..	1	5
Juniata	..	2	2	1	..	3
Lackawanna	5	9	14	4	7	25
Lancaster	..	11	11	1	9	21
Lawrence	2	6	8	..	4	12
Lebanon	..	8	8	..	3	11
Lehigh	4	9	13	..	..	13
Luzerne	15	19	34	7	11	52
Lycoming	2	8	10	..	1	11
McKean	..	6	6	..	1	7
Mercer	2	12	14	..	1	15
Mifflin	..	5	5	..	..	5
Monroe	4	2	6	1	2	9
Montgomery	3	29	32	3	4	39
Montour	..	2	2	..	..	2
Northampton	5	8	13	2	1	16
Northumberland	2	11	13	..	2	15
Perry	1	2	3	1	1	6
Philadelphia	2	44	46	..	1	47
Pike	..	1	1	..	..	1
Potter	1	2	3	2	..	5
Schuylkill	3	7	10	5	13	28
Snyder	..	3	3	..	..	3
Somerset	2	7	9	..	3	12
Sullivan	1	..	1	1	1	3
Susquehanna	..	1	1	1	4	6
Tioga	4	2	6	2	2	10
Union	1	1	2	..	..	2
Venango	1	4	5	1	2	7
Warren	..	4	4	..	..	4
Washington	2	9	11	5	12	28
Wayne	1	2	3	1	4	8
Westmoreland	..	16	16	10	13	39
Wyoming	1	1	2	..	1	3
York	1	12	13	1	6	20

SOURCE: Compiled by Joint State Government Commission from records of Pennsylvania Department of Public Instruction.

schools, concludes that there should be one full-time guidance counselor for every 250 to 300 pupils in the high schools.⁸

In addition to providing those likely to succeed in college with the guidance necessary to develop college aspirations, qualified counselors might well guide those not likely to succeed in college into other post-high school

* James Bryant Conant, *The American High School Today* (1959).

* It has been contended that the problems presented by variations in income level and proximity to institutions of higher education cannot be solved satisfactorily by increases in State appropriations to selected institutions. The community college and the so-called "scholarship grants" have been urged as solutions to the problem. Scholarship grants are made available in amounts calculated to cover an institution's entire cost of educating a student and sometimes provide for the payment of all or part of the student's subsistence.

For a discussion of scholarship grants, see Arthur Bestor, *The Restoration of Learning* (1955), and for an evaluation of community colleges, see Liaison Committee of the Regents of the University of California and the California State Board of Education, *A Restudy of the Needs of California in Higher Education* (1955).

⁷ See Section III for characteristics which lead to a high level of motivation.

training programs. As regards both the importance of guidance and the contribution which secondary schools can make to vocational education, the National Manpower Council cited a number of major objectives which "... must be pursued if we are to strengthen the nation's resources of skilled workers and technicians. These are: to strengthen the contributions made by secondary education to the acquisition of skill; to develop a more effective program for vocational guidance; to provide more equal opportunities for all individuals to acquire skill. . . ."

In this connection, it should be noted that traditionally the Commonwealth has been concerned with the furtherance of vocational education in the high school. In addition to the basic educational subsidies to the public schools, the Commonwealth makes available supplemental payments ranging from \$20 to \$50 per student for students enrolled in vocational courses in agricultural, industrial, home economics and distributive education.

In order to facilitate adequate organization of vocational education in the more sparsely populated areas of the Commonwealth, the 1937 Session of the General Assembly provided for special reimbursement procedures to so-called "vocational school districts." However, although the enabling legislation provided for more favorable reimbursement rates, no vocational school districts were organized and the enabling legislation was repealed in 1957. Prior to the repeal of these provisions, the General Assembly in 1949 authorized the establishment of area technical schools for "the benefit of pupils and adults." As regards Commonwealth reimbursement, area technical schools received all of the basic educational subsidies plus the per pupil supplemental payments referred to above plus a maximum subsidy of \$800 per teaching unit. To date, but three area technical schools have been established under the enabling legislation of 1949. In addition, the School Code provides that "The board of school directors of any school district may and upon written application, signed by twenty or more residents of such district above the age of sixteen years who are not in attendance at any public or private day school, shall provide free extension education for said applicants in any curricular course of study so requested, . . ."

The record shows that Pennsylvania statutes provide both organizational mechanisms and financial incentives for vocational and post-high school training. If there be lack of opportunities in these areas, the responsibility rests with local initiative.

PENNSYLVANIA HIGH SCHOOL SENIORS, 1958

— THEIR MENTAL ABILITY

— THEIR ASPIRATIONS

— THEIR POST-HIGH SCHOOL ACTIVITIES

A TECHNICAL SUPPLEMENT

A Report of the

JOINT STATE GOVERNMENT COMMISSION 1959

The Joint State Government Commission was created by Act of 1937, July 1, P. L. 2460, as amended 1939, June

26, P. L. 1084; 1943, March 8, P. L. 13; 1956, May 15, P. L. (1955) 1605; 1959, December 8, Act No. 646, as a continuing agency for the development of facts and recommendations on all phases of government for the use of the General Assembly.

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* National Manpower Council, A Policy for Skilled Manpower (1954).

† 1949, March 10, P.L. 30 § 1902, as amended 1953, August 19, P. L. 1207.

* Succeeded Albert S. Readinger.

** Resigned.

† Succeeded Hiram G. Andrews.

‡ Succeeded Mary A. Varallo.

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LETTER OF TRANSMITTAL

To the Members of General Assembly of the
 Commonwealth of Pennsylvania:

In April 1959, the Commission transmitted to the members of the General Assembly a report titled Pennsylvania High School Seniors, 1958: Their Mental Ability, Their Aspirations, Their Post-High School Activities.

The report was based upon a sample of approximately 10,000 Pennsylvania high school seniors in attendance at public, parochial and private high schools in the spring of 1958. It was the purpose of the report to present to the membership of the General Assembly a realistic portrayal of the characteristics of the young men and women who, in the spring of 1958, expressed a preference for college or noncollege training, together with an account as to their activities in the fall of 1958.

The present report, a technical supplement to Pennsylvania High School Seniors, 1958, details the methods employed to gather and summarize the data and presents an analysis of variance.

BAKER ROYER, Chairman

Joint State Government Commission
 Capitol Building
 Harrisburg, Pennsylvania
 December 1959

* Succeeded Allen M. Gibson, deceased.

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SECTION I

COLLECTION AND CLASSIFICATION OF DATA

Collection of Data

In order to maximize objectivity of response, two separate and distinct sources of information were utilized—the student and the school. The information from both sources was obtained by means of pretested questionnaires.¹

The questionnaire completed in the spring by high school seniors was designed to obtain information on post-high school aspirations and plans. As has been previously observed: "No objective measures of motivation are available; all appraisals of motivation are largely matters of judgment. In the case of resources, which, given access to family records, could be measured in terms of income and assets, subjective evaluations are required to determine the extent to which income or assets are available for education."² In order to facilitate judgment in this area, the questionnaire included queries regarding such background characteristics as education of parents, occupation of father, and size of family.

The questionnaire completed in the spring by the schools was designed to obtain information on the intellectual ability and achievements of seniors by such indices as intelligence test scores, courses pursued, and recommendations of counselors. The follow-up questionnaire completed by the schools in the fall was designed to ascertain the size of the graduating class and to establish whether or not the senior who had completed a questionnaire had in fact graduated, his final quintile standing, and his actual activities as of the fall of 1958.

¹ For copies of the questionnaires, see Appendix A.

² Joint State Government Commission, Pennsylvania High School Seniors, 1958: Their Mental Ability, Their Aspirations, Their Post-High School Activities, (1959) p. 5.

Classification of Data

Intelligence Test Scores. Because of the variety of intelligence tests used by Pennsylvania schools,³ equivalence procedures were developed.⁴ Specifically, scores were equated and deviation intervals established by means of distribution and equivalence tables developed by the research departments of interested organizations such as testing companies and school districts. The resulting conversions of test scores into stanine categories were cross-checked by reference to combinations of equivalence studies.⁵

Although 26 different intelligence tests were used by Pennsylvania schools, stanine categories for 97 percent of the seniors were based on 11 of these tests. Stanine categories for 50 percent of the seniors were based on the Otis Test of Mental Ability and categories for 40 percent of the remaining seniors were based on the California Test of Mental Maturity.

Occupation of Father. The occupational classification shown in Pennsylvania High School Seniors, 1958: Their Mental Ability, Their Aspirations, Their Post-High School Activities represents a modification of the United States Bureau of the Census classification.⁶ In order to give greater weight to income characteristics of various occupations, some occupations were separately classified and some were reclassified. For instance, technical workers, who in the census classification were included in the category "Professional, Technical and Kindred Workers," were separately classified in the report. Again, employees in the census category "Sales Workers" were reclassified in the survey as "Managers, Officials and Proprietors Other Than Farm," "Sales Workers" or "Service Workers, Operatives and Laborers," depending upon expected income levels.

Education of Parents. Although information was obtained on education of both parents, seniors were classified for purposes of the report in terms of the highest educational level attained by either parent as follows:

1. Neither parent completed high school.
2. At least one parent completed high school.
3. At least one parent attended college.
4. Education of both parents was unknown.

Size of Family. Again, for purposes of the report, large families were defined as families with four or more children and small families were defined as families with one, two, or three children.

Section II

DESIGN AND CHARACTERISTICS OF THE SAMPLE

Analysis of distributions of students in national surveys¹ and in area studies within the Commonwealth² indicated that a 10 percent sample of an estimated 100,000 seniors in Pennsylvania's public, parochial and private high schools in 1958 would furnish sufficiently large subsets of

students to permit analysis of cross-classifications of such characteristics as stanine category by father's occupation. The same data indicated that certain student characteristics which were of primary importance in the survey were generally more homogeneous in small, geographical areas than in larger ones.

A systematic sample drawn from a random list of all students grouped by school of attendance is a practical sample design with comparatively simple point estimates which utilizes this characteristic of geographical homogeneity. Lists of all public and non-Catholic private high schools having students in the June graduating class of 1958 were obtained from the Pennsylvania Department of Public Instruction. Lists of Catholic parochial and Catholic private high schools were secured through the Diocese of Harrisburg. Each school was requested to submit a list of all students in its 1958 graduating class as of April 1958. The seniors were ordered alphabetically within schools, the schools alphabetically within counties, and the counties alphabetically within the Commonwealth. A random number less than 10 was drawn, and a 10 percent systematic sample was taken.

A list was made of the seniors drawn in the sample and each was given a code number identifying county, school and student. Student and school questionnaires, each identified by student name and code number, were mailed, together with instructions, to each of the schools.

After May 15, 1958, all schools that had not returned the completed questionnaires were contacted by telephone. By June 30, 1958, 98 percent of the public schools and 88 percent of the private and parochial schools had responded; 98 percent of all questionnaires had been returned, and 94 percent had been completed.

Section III

ANALYSIS OF THE DATA

Point Estimates

Point estimates for the universe sampled may be computed by multiplying sample estimates by ten. The point estimates used in the report reflect a universe including, in addition, the 3,964 members of the January graduating classes of Philadelphia and Pittsburgh, the 563 nonresponse students, and 218 members of the graduating class of a Philadelphia boys' school which was not included on the original list. In determining the inflation factors, the following sets of seniors were presumed to have similar characteristics:

1. The January graduating class and the June graduating class.
2. Nonresponse students and students of the same sex who responded.
3. The students graduating from the Philadelphia boys' school and the male seniors attending other public schools in Philadelphia.

According to the Pittsburgh and Philadelphia school authorities, the January and June classes are comparable. The treatment of nonresponse students may cause a slight bias in the direction of an overestimate of students interested in college.¹ The evidence is conclusive that imputation of characteristics of male seniors attending public schools in Philadelphia to seniors of the boys' school omitted in no way affected state-wide estimates.

¹ See page 8 for a discussion of bias.

³ See Pennsylvania High School Seniors, 1958, p. 5, for a discussion of the measurement of mental ability.

⁴ The American Institute for Research, Pittsburgh, Pennsylvania, was engaged for this purpose.

⁵ See Appendix B for conversion table.

⁶ U. S. Bureau of the Census, 1950 Census of Population: Classified Index of Occupations and Industries (1950).

¹ Educational Testing Service, Background Factors Relating to College Plans and College Enrollment Among Public High School Students (1957); Dael Wolfe, America's Resources of Specialized Talent (1954).

² Higher Education in the Commonwealth: Report of the Governor's Commission on Higher Education (1957); L. Kathryn Dice, The Unmet Needs of High School Students and Their Relation to Technical Education (1957).

Since a count of the universe by sex, by school, was available, point estimates were based on the following table:

	Philadelphia Public Schools	Pittsburgh Public Schools	All Other Schools
Number of Seniors in the sample			
Male	185	117	4,312
Female	264	130	4,691
Number of Seniors in the Universe			
Male	3,799	1,628	45,600
Female	4,432	1,723	49,560
Inflation Factor			
Male	20.54	13.91	10.58
Female	16.79	13.25	10.56

In general,

$$\hat{X}^m = 10.58 x_o^m + 20.54 x_{Ph}^m + 13.91 x_{Pi}^m$$

$$\hat{X}^f = 10.56 x_o^f + 16.79 x_{Ph}^f + 13.25 x_{Pi}^f$$

where:

m = male

f = female

Ph = Philadelphia public schools

Pi = Pittsburgh public schools

o = all other schools in the State

x = the number of seniors in the sample having a given characteristic

$\hat{X}$ = the estimate of the number of seniors in the universe having this characteristic

In other words, x_{Ph}^m represents the number of male students in the sample of Philadelphia public schools who have the specified characteristic, while $\hat{X}^m$ is the estimate of the number of male students in the universe with that characteristic.

The over-all percentages were calculated by dividing the estimated number of students with a given characteristic by the total number of students in the universe. For example, the estimated percent of all students having

this characteristic is $\frac{\hat{X}^m + \hat{X}^f}{106,742}$, while the percent cal-

culated for the male students is $\frac{\hat{X}^m}{51,027}$, and for the

female students is $\frac{\hat{X}^f}{55,715}$. Again, the number of male

students in the eighth and ninth stanines who attended college in the fall of 1958 ($\hat{X}^m$) as a percent of all male students in the eighth and ninth stanines ($\hat{Y}^m$), is:

$$\hat{X}^m = 10.58 x_o^m + 20.54 x_{Ph}^m + 13.91 x_{Pi}^m$$

$$\hat{Y}^m = 10.58 y_o^m + 20.54 y_{Ph}^m + 13.91 y_{Pi}^m$$

Variance

In general, a systematic sample of an alphabetically-

ordered list may be considered as a random sample, provided the variables under consideration are independent of the names, since independence assures a low serial correlation. Therefore, it may be assumed that the variance of estimates from random samples of each school approximates the variance of estimates from systematic samples of students listed alphabetically for each school. Under the circumstances, it may be concluded that the sample used in the survey produces variances approximating those of a proportionate stratified random sample where the schools are the strata and where the universe excludes the students from the January graduating classes and from the Philadelphia boys' school.

The point estimates actually used were based on both a grouping of the school strata and an after-sampling stratification by sex. This latter procedure was acceptable because of the magnitude of the sample and the fact that the number of male and female students in the universe was known. As in the case of the point estimates, it was assumed that the variances associated with students in the January graduating classes and the Philadelphia boys' school were comparable to those associated with the students sampled. Therefore, the following formula was used to calculate variances:

$$V_p = \frac{1}{N^2} \sum \frac{N_h^2 (N_h - n_h)}{N_h - 1} \frac{p_h q_h}{n_h}$$

where:

V_p = variance of percent estimate p

N = universe number

N_h = universe number in the stratum h

n_h = sample number in stratum h

p_h = percent in stratum h

$q_h = 1 - p_h$

It should be noted that if p is a percent estimate of a subset, the universe values in the formula are estimates based on sample numbers. Because of the size of the sample, these numbers furnished acceptable variance estimates for subsets pertinent to the report.

The standard errors (square root of the variance) shown in Table 1 and 2 represent an upper limit to the standard errors of the estimates, because they were computed with reference to a simple random sample rather than with reference to a stratified random sample. If the characteristic measured is independent of the strata, such as quintile standing, the sample may be considered as a simple random sample with standard errors as indicated by the tables. For characteristics which vary from school to school, such as the percent of students attending college in the fall, the point estimates and the standard errors are slightly improved by using estimates based on stratification. The extent of the improvement depends upon the homogeneity of the particular variable within the strata.

Specifically, Table 1 shows that a point estimate equal to 5 percent or less of all students has a maximum standard error of .0022 (first line, column (2)), regardless of the characteristic under review. Table 2 indicates that a point estimate of 30 percent based on a subset of 200 has a standard error less than or equal to .0324 (fourth line, column (3)).

Table 1

Upper Limits for Standard Errors With Respect to Percentage Estimates of All Students, All Male Students and All Female Students

Percentage Estimate	All Students	Male Students	Female Students
(1)	(2)	(3)	(4)
.05 or .95	.0022	.0032	.0031
.10 or .90	.0030	.0044	.0042
.20 or .80	.0041	.0059	.0056
.30 or .70	.0047	.0067	.0064
.40 or .60	.0050	.0072	.0069
.50	.0051	.0074	.0070

Table 2

Upper Limits for Standard Errors With Respect to Percentage Estimates of Subsets by Size or Subset

Percentage Estimate	Size of Subset					
	100	200	300	500	1,000	2,000
(1)	(2)	(3)	(4)	(5)	(6)	(7)
.05 or .95	.0218	.0154	.0126	.0097	.0069	.0049
.10 or .90	.0300	.0212	.0173	.0134	.0095	.0067
.20 or .80	.0400	.0283	.0231	.0179	.0126	.0089
.30 or .70	.0458	.0324	.0265	.0205	.0145	.0102
.40 or .60	.0490	.0346	.0283	.0219	.0155	.0110
.50	.0500	.0354	.0289	.0224	.0158	.0112

Bias

Regardless of sample design, nonresponse—a common cause of bias—is generally encountered in connection with population surveys. The existence of nonresponse bias depends upon differences between respondents and nonrespondents. The extent of the bias depends upon both the degree of difference and the size of the nonresponse group. Again, the import of a given bias depends upon the objective of the study.

In the survey of high school seniors, comprehensive follow-up methods were pursued which reduced the nonresponse to 6 percent. The effect of this residual nonresponse upon the distribution of students by level of intelligence—a critical variable for the purposes of this survey—and upon distributions of associated characteristics, such as post-high school aspirations, interest in college, and probable success in college, was tested.

Specifically, the quintile distribution of high school graduates based upon the sample and the expected quintile distribution adjusted for students who failed to graduate were compared. Table 3 shows these distributions. Examination of the table indicates that the percentage of students in each of the first two quintiles was overestimated by approximately one percentage point; similarly, the percentages in the lowest two quintiles were slightly underestimated.

Table 3

Estimated and Expected Percentage Distributions of Pennsylvania High School Graduates, 1958 by Final Quintile Standing

Quintile Standing	Percentage of Pennsylvania High School Graduates	
	Estimated	Expected*
(1)	(2)	(3)
I	21.3%	20.1%
II	21.1	20.1
III	20.7	20.1
IV	19.0	20.0
V	17.9	19.7

* Distribution reflects the policy of some schools to assign quintile standings to all seniors regardless of whether or not they graduated.

An adjusted stanine distribution of high school seniors based upon the expected quintile distribution is shown in Table 4. Inspection of the table shows that the number of seniors in each of the upper stanines (six to nine) was overestimated by 300 to 500 students. Inferentially, a bias in the number of seniors in the upper stanines reflects a bias in the number of seniors with characteristics which are positively correlated with intelligence. However, it should be noted that the overestimates of seniors in the upper stanines have but a minimal effect on percentage estimates involving subsets such as the percent of ninth stanine students who expressed a desire to attend college. Analysis of the correlation of various characteristics to

Table 4

Estimated and Adjusted Distributions of Pennsylvania High School Seniors, 1958 by Stanine Category

Stanine Category	Estimated		Adjusted	
	Number	Percent	Number*	Percent
(1)	(2)	(3)	(4)	(5)
1	1,500	1.4%	1,500	1.4%
2	3,600	3.4	3,700	3.5
3	8,700	8.2	9,200	8.6
4	16,000	15.0	16,700	15.6
5	23,600	22.1	23,900	22.4
6	21,500	20.1	21,200	19.9
7	15,200	14.2	14,700	13.8
8	9,600	9.0	9,200	8.6
9	7,000	6.6	6,600	6.2
Total	106,700	100.0	106,700	100.0

$$* \left\{ \hat{S}_i = \sum_{k=0}^5 \hat{S}_{ik} \right\}_{i=1, \dots, 9}$$

where:

$\hat{S}_i$ represents the adjusted number of seniors in the i^{th} stanine
 $\hat{S}_{ik}$ { $k=0$ represents the estimated number of seniors in the i^{th} stanine who failed to graduate
 $k=1, \dots, 5$ represents the estimated number of seniors in the i^{th} stanine and the k^{th} quintile

* k represents the ratio for the k^{th} set of the expected number of seniors to the estimated number of seniors

quintile standing within stanines and groups of stanine categories indicates that for percentages involving subsets, overestimates due to bias are within the ranges indicated for sampling errors.

The presence of bias coupled with an evaluation of follow-up experience suggests that the response tended to

increase with class standing and that this response pattern is, in part, attributable to the attitude of school administrators. In some schools efforts were made to insure completion of questionnaires by "better than average" students, whereas less effort was made to induce "below average" students to complete questionnaires.

Appendix A QUESTIONNAIRES

[Completed in the spring by the student]

Name
May be torn off

COMMONWEALTH OF PENNSYLVANIA JOINT STATE GOVERNMENT COMMISSION OF THE GENERAL ASSEMBLY

TO: THE HIGH SCHOOL SENIORS OF PENNSYLVANIA

The Pennsylvania Legislature is asking you for information about what you would like to do or are likely to do after you graduate from high school. Many other high school seniors in Pennsylvania are being asked the same questions to find out how the Commonwealth can help you get the type of education and training you want. Think about the following questions and answer them frankly and fully.

1. How many brothers and sisters do you have? Circle the answers below which tell how many you have.

Brothers	0	1	2	3	4	5	6	7
Sisters	0	1	2	3	4	5	6	7
2. (a) What does your father do for a living? Write your answer on the line below and be as exact as you can (for example, runs a lathe, is a doctor, runs a farm, sells insurance, is a janitor.) If he is unemployed, retired or dead, say so and write in what he did do.
.....
(b) For what type of business or organization does he work? Write your answer on the line below (for example, steel company, U. S. government, retail store). If your father works for himself write "self-employed."
.....
3. How far did your parents go in school? Circle the numbers of the answers which tell how far they went in school.

Father	Mother	
1	1	Some grade school.
2	2	Finished grade school.
3	3	Some high school.
4	4	Finished high school.
5	5	Some college.
6	6	Finished college.
7	7	Attended graduate school or professional school after college.
8	8	Other formal education. (Write in for father and mother.)
9	9	Don't know.
4. Suppose that if you made a real effort you could be successful in whatever you choose to do. Write on the line below the work you would like to be going 15 years from now.
.....
5. With this work in mind, what would you really like to do after you finish high school? Circle the number of the statement in the following list which tells what you would really like to do if you could carry out your own wishes.
 - 0 Go into military service.
 - 1 Start working with no present plans for more school work.
 - Work for a year or two and then go to college.
 - 3 Go to college on a full time basis this Fall.
 - 4 Go to college on a part time basis this Fall.

- 5 Go to a trade or business school or take other special training, such as nursing.
 - 6 Get married.
 - 7 Other (write in)
 - 8 Don't know.
6. There are good reasons for wanting to go or not wanting to go to college. Circle the numbers of the reasons that are important to you.
- (a) I WANT TO GO to college because
- 1 My family expects me to go to college.
 - 2 College graduates earn more money.
 - 3 I want to see what type of work I am most interested in.
 - 4 I like to study and want to continue academic work.
 - 5 I need a college degree for the kind of work I want to do.
 - 6 My teachers urge me to go to college.
 - 7 Business, church, or community leaders tell me I should go to college.
 - 8 I want to spend some time at college before entering the service.
 - 9 I want to get into college athletics.
 - 10 I like the idea of being a college graduate.
 - 11 Most of my friends are going to college.
 - 12 College life will help me to develop socially.
 - 13 It will help me to make good business contacts.
 - 14 Other (write in)
- (b) I DON'T WANT TO GO to college because
- 1 My family doesn't want me to go to college.
 - 2 I want to start earning a living as soon as possible.
 - 3 I would rather get married.
 - 4 It is more work than it is worth.
 - 5 My teachers advise me not to go to college.
 - 6 It would cost more than it is worth.
 - 7 Most of my friends are not going.
 - 8 I do not need a college education for the kind of work I want to do.
 - 9 Other (write in)
7. Now go back to question 6(a) or 6(b) and underline the one most important reason for those you have circled.
8. In answer to question 5 you told us what you would really like to do after you finish high school. Now tell us what you expect to do after you finish high school. Circle the number of the answer which describes what you actually will do. If you are going into the military service, circle 0 and then the number of the answer which describes what you will probably do after you get out.
- 0 Go into military service.
 - 1 Start working with no present plans for more school work.
 - 2 Work for a year or two and then go to college.
 - 3 Stay in military service.
 - 4 Go to college on a full time basis this Fall.
 - 5 Go to college on a part time basis this Fall.
 - 6 Go to a trade or business school or take other special training, such as nursing.
 - 7 Get married.
 - 8 Other (write in)
 - 9 Don't know.
9. What do your parents think about college? Circle the number of the answer which tells how they feel about your going to college.
- 0 They do not want me to go.
 - 1 They do not think it will be worth my time.
 - 2 They don't care whether I go or not.
 - 3 They would approve.
 - 4 They are eager for me to go.
 - 5 My parents do not agree as to whether or not I should go.
 - 6 We haven't talked about it.
 - 7 I don't know.

IF YOU ARE NOT INTERESTED AT ALL IN GOING TO COLLEGE, SKIP THE REMAINING QUESTIONS AND CHECK BACK TO BE SURE THAT YOU HAVE ANSWERED EVERY QUESTION FROM 1 to 9.

10. What reasons are preventing you—or might possibly prevent you—from entering College this Fall? Circle the number of each reason that may apply to you.
- 1 Poor health.

- 2 I need to start earning a living as soon as possible.
- 3 College would cost more than my family can afford.
- 4 I cannot or may not get a scholarship.
- 5 My high school grades are too low.
- 6 There is no college near enough to let me live at home.
- 7 I cannot or may not be able to borrow the money I would need.
- 8 My family does not want me to go.
- 9 I cannot or may not be able to meet the entrance requirements at the college of my choice.
- 10 What I could earn would not be enough to pay the costs.
- 11 I took the wrong course in high school.
- 12 Colleges are overcrowded.
- 13 I am sure I am going to college.
- 14 Other (write in)

11. Now go back to question 10 and underline the one most important reason of those you have circled.
12. To what colleges have you applied for entrance this fall? (List the names of the colleges in the order of your preference. If you have not applied, write "none.")
- | | |
|---------|---------|
| 1. | 4. |
| 2. | 5. |
| 3. | 6. |

The following questions have to do with paying for college expenses. The cost of going to college depends on what college you go to, whether you live at home or at the college, how much spending money you need, and so on. Tuition or similar charges vary from about \$100 to \$1,000 per year with most colleges over \$500, and if you live away from home there may be an additional cost of from about \$500 to \$1,200 for room and board.

13. How would you change your present plans if you could get a scholarship which paid all your tuition or similar charges for full time attendance at any college of your choice? Circle the number of the answer which applies.
- 0 I would not change my present plans.
 - 1 I would enter college full time this Fall instead of not going this Fall or going part time.
 - 2 I would go to a different college because it is outstanding in the course of study I am interested in.
 - 3 I would go to a different college but for other reasons.
 - 4 I don't know.
 - 5 Other (write in)
14. Now go back to question 13 and underline the answer which tells how you would change your present plans if this scholarship could be used only at colleges located in Pennsylvania.
15. How would you change your present plans if you could get a scholarship which paid half your tuition or similar charges for full time attendance at any college of your choice? Circle the number of the answer which applies.
- 0 I would not change my present plans.
 - 1 I would enter college full time this Fall instead of not going this Fall or going part time.
 - 2 I would go to a different college because it is outstanding in the course of study I am interested in.
 - 3 I would go to a different college but for other reasons.
 - 4 I don't know.
 - 5 Other (write in)
16. Now go back to question 15 and underline the answer which tells how you would change your present plans if this scholarship could be used only at colleges located in Pennsylvania.
17. Suppose you could not get either of these scholarships but you could borrow money to attend college full time. You would have to pay this money back (in installments if you prefer) with interest a few years after you graduate from college.
- (a) Would you borrow to pay part or all of your college expenses? Circle the number of the answer which applies.
- 0 I don't need to borrow.
 - 1 I would borrow at an interest rate of% (write in interest rate you would be willing to pay).
 - 2 I would not borrow.
 - 3 I don't know if I would borrow.
- (b) If you would borrow, how would you change your present plans? Circle the number of the answer which applies.
- 0 I would not borrow.
 - 1 I would not change my present plans.

- 2 would enter college full time this Fall instead of not going this Fall or going part time.
 3 I would go to a different college because it outstanding in the course of study I am interested in.
 4 I would go to a different college but for other reasons.
 5 I don't know.
 6 Other (write in)

- (c) To start upon these plans, how much would you need to borrow for freshman year?
 0 I would not borrow.
 1 I would need about \$...... (write in amount).
 2 I don't know.

PLEASE LOOK OVER THE QUESTIONS AND MAKE SURE YOU HAVE ANSWERED EVERYTHING THAT APPLIES TO YOU.

[Completed in the spring by the school]

Name

STUDENT RECORD — CLASS OF 1958

Data relating to individual students will be regarded as confidential and will be used only for computing over-all averages.

1. Sex (Check) ☐ Male ☐ Female
 2. Date of Birth
3. Program of Study in High School (Check one) 4. High School Standing (Show quintile and applicable date)
☐ Academic ☐ Commercial
☐ General ☐ Vocational
☐ Other
5. Group Intelligence Tests Given in Grade 9 or Earlier:
 Date Given Exact Designation of Test I.Q. Score

6. Group Intelligence Tests Given in Grades 10, 11 or 12:
 Date Given Exact Designation of Test I.Q. Score

7. Number of Semesters (including present semester) Student Has Taken of the Following in Grades 9, 10, 11, and 12:
- | Subject | Number of Semesters | Subject | Number of Semesters |
|---------------------|---------------------|------------------|---------------------|
| Applied Mathematics | | Advanced Science | |
| Elementary Algebra | | Biology | |
| Plane Geometry | | Chemistry | |
| Advanced Algebra | | General Science | |
| Solid Geometry | | Physics | |
| Trigonometry | | Other Science | |
| Other Mathematics | | | |
8. Considering this student's potential, what would you recommend that he do following graduation?
☐ Work, no further training.
☐ Take special training such as trade or business school or nurses' training.
☐ Armed forces.
☐ Apprenticeship.
☐ College.
☐ Other (specify)
☐ No recommendation.
9. Would you advise this student to apply for a competitive scholarship to a college or university?
☐ Yes ☐ No ☐ No recommendation
10. Comments: (Any additional information which will help characterize the student.)

Appendix B

STANINE CONVERSION TABLE

STANINE CONVERSION TABLE FOR SPECIFIED INTELLIGENCE TESTS

Stanine Category	Otis Test of Mental Ability (Deviation I. Q.)	California Test of Mental Maturity (Total I. Q.)	Henmon-Nelson Tests of Mental Ability (Ratio I. Q.)	SRA Primary Mental Abilities Tests (I. Q.)	Philadelphia Mental Ability Test (I. Q.)
(1)	(2)	(3)	(4)	(5)	(6)
1	78 and below	76 and below	77 and below	63 and below	79 and below
2	79- 84	77- 83	78- 84	64- 71	80- 85
3	85- 90	84- 90	85- 91	72- 79	86- 91
4	91- 96	91- 97	92- 98	80- 87	92- 98
5	97-103	98-104	99-105	88- 95	99-105
6	104-109	105-111	106-112	96-103	106-112
7	110-115	112-118	113-119	104-111	113-118
8	116-121	119-125	120-126	112-119	119-124
9	122 and above	126 and above	127 and above	120 and above	125 and above
Percent of Seniors*	51.4%	18.9%	8.1%	4.1%	3.7%

* Represent percent assigned a stanine on the basis of the specified test. Other tests for which equivalence procedures were developed were: American Council on Education Psychological Examination, Kuhlmann-Anderson Intelligence Tests, Kuhlmann-Finch Intelligence Tests, Lorge-Thorndike Intelligence Tests, Pintner General Ability Tests, and Terman-McNemar Test of Mental Ability. Each of these tests was used to determine stanines for less than 3 percent of the students.

SOURCE: American Institute for Research, Pittsburgh, Pennsylvania.

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Harrisburg, Pennsylvania
1959
- The Joint State Government Commission was created by Act of 1937, July 1, P. L. 2460, as amended 1939, June 26, P. L. 1084; 1943, March 8, P. L. 13; 1956, May 15, P. L. (1955) 1605, as a continuing agency for the development of facts and recommendations on all phases of government for the use of the General Assembly.
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* Succeeded Albert S. Readinger.

** Resigned.

† Succeeded Hiram G. Andrews.

‡ Succeeded Mary A. Varallo.

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INTRODUCTION

The Joint State Government Commission, in its 1949 study Pennsylvania's Industrial Economy reported that, though in 1947 Pennsylvania's per capita income was higher than per capita income in the United States, the

relative position of the Commonwealth, like that of other "old" established manufacturing areas in New England and the Middle Atlantic States, had been slowly declining since 1932.

The Commission attributed the continued relative decline of Pennsylvania in part to the following factors:

- (1) Heavy allocations of prime war contracts to the central and far western states;
- (2) Federal price control policy which held prices of products of importance to the Pennsylvania economy below the average of all wholesale prices;
- (3) Allocation of Federal capital expenditures—for war purposes as well as for such civilian purposes as hydroelectric power and irrigation development—primarily to states other than Pennsylvania.

The Commission's report took cognizance of the fact that Federal policies are beyond the direct control of the Commonwealth. However, the report suggested that economic development in Pennsylvania might be accelerated by legislative action in such areas as business taxation, construction of basic capital facilities, such as highways, and increased emphasis upon vocational training.

Over the years that have elapsed since 1949, the General Assembly has acted in the business tax area by exempting assets employed in manufacturing from the State Capital stock tax, by removing machinery from local tax duplicates, and by excluding from permissive local taxes levies upon productive processes. To provide for more comprehensive and intensive vocational training, the General Assembly has authorized the establishment of area vocational schools. The traditional policy of building and maintaining outstanding highway facilities has been continued. In addition, the General Assembly has made available loan funds to encourage the economic redevelopment of "depressed" areas.

The current report presents the factual story relating to changes in income, changes in major income sources, return to capital per employee, average wages, and employment gains and losses which occurred during the period 1946-1956. Since the years immediately following World War II reflect in part the after-effects of that conflict, some of the data are shown separately for the periods 1946-1951 and 1951-1956. Since it seems reasonable to assume that the latter period is likely to be indicative of trends which may be expected to extend into the foreseeable future, the emphasis throughout is upon the period 1951-1956.

Again, with a view of developing some standards by reference to which Pennsylvania's performance may be appraised, comparisons are made between Pennsylvania, the Nation as a whole, and the states of New York, New Jersey, Massachusetts, Ohio and Indiana. These states, which throughout the report are designated as "reference states," are comparable to Pennsylvania as regards population density and economic structure.

Baker Royer, Chairman

Joint State Government Commission
Capitol Building
Harrisburg, Pennsylvania
March, 1959

Section I

PER CAPITA INCOME, PENNSYLVANIA, REFERENCE STATES AND THE UNITED STATES: SELECTED YEARS 1946-1957

Per capita personal income, that is, total income of a given state or region divided by its population, is generally regarded as a broad measure of economic well-being.

Per capita income, if computed for periods characterized by rising prices, overstate changes in levels of living unless adjusted for decreases in the purchasing power of the dollar.

Chart I shows, for Pennsylvania, the reference states¹ individually, and the United States as a whole, per capita income of residents in constant dollars² for 1946, 1951 and 1957.

Examination of the chart shows:

- (1) In 1946, Pennsylvania's per capita personal income of \$1,525 was greater than the per capita income of the United States and the State of Indiana, but was below the per capita income which obtained in New York, New Jersey, Massachusetts and Ohio.
- (2) Pennsylvania's per capita personal income increased from \$1,525 in 1946 to \$1,561 and \$1,757 in 1951 and 1957, respectively.
- (3) In 1957, Pennsylvania's per capita income was higher than per capita income of the United States and the State of Indiana, but lower than that of each one of the other reference states.

The table below shows dollar and percentage changes in per capita income in Pennsylvania, the United States, and the individual reference states for 1946-1951 and 1951-1956.

	Change in Constant Dollars		Percentage Change	
	1946-1951	1951-1956	1946-1951	1951-1956
Pennsylvania	\$ + 36	\$ +183	+ 2.4%	+11.7%
New York	-222	+311	-11.0	+17.2
New Jersey	-34	+275	-1.9	+15.3
Massachusetts	-7	+257	-.4	+15.4
Ohio	+115	+195	+ 7.3	+11.6
Indiana	+92	+180	+ 6.4	+11.8
United States	-10	+202	-.7	+13.6

Examination of the table shows:

- (1) During the period 1946-1951, Pennsylvania, Ohio and Indiana showed increases in per capita income, whereas per capita income in New York, New Jersey, Massachusetts and the United States decreased.
- (2) During the period 1951-1956, per capita income in Pennsylvania, in all of the reference states, and in the United States increased.
- (3) As regards relative magnitude of increases in per capita income between 1951 and 1956, Pennsylvania's per capita income increased 11.7 percent; Ohio and Indiana registered relative in-

creases of comparable magnitude; New Jersey and Massachusetts per capita income increases were slightly in excess of 15 percent, the increase for New York was 17.2 percent, and in the United States as a whole, per capita income increased 13.6 percent.

Section II

THE PENNSYLVANIA ECONOMY: STRUCTURE AND GROWTH

Components of the Economy and the Measurement of Change

Many are the component parts of any going economy. Individual proprietors, partnerships and corporate organizations, offering an endless variety of goods and services in many markets, compete for customers and income dollars. To reduce this complexity to manageable proportions, the component parts of an economy must be classified by reference to some criteria that measure their importance.

The importance of the component parts of an economy is closely approximated by the relative magnitudes of incomes which they generate. Measurement of the incomes generated by different components parts presents varying degrees of difficulty. For present purposes—that is, the measurement of income levels and changes in income levels—"wages and salaries" received by employees, classified by industrial source, appears to be the most suitable yardstick.

Wages and salaries, though not accounting for all personal income, represent a substantial fraction of total income received by individuals. For example, in Pennsylvania in 1956, wages and salaries constituted approximately 71 percent of total personal income.³

In Pennsylvania, manufacturing—historically as well as currently—represents the largest single source of wages and salaries. Specifically, the percentages of wages and salaries attributable to manufacturing were 41.6 percent, 43.4 percent and 43.8 percent in 1946, 1951 and 1956, respectively.²

Although, throughout the years, mining in Pennsylvania has been of lesser importance as a source of wage and salary income than manufacturing, it has, nevertheless, been traditionally an important industry. For instance, there can be no question that the presence of bituminous coal in the western part of the state has been an important contributory factor in the manufacturing development of that part of the state. Similarly, it is an established fact that, historically, mining has been the main source of income in the anthracite region.³ However, in the recent past, the mining industry has shown a marked decline. Wages and salaries attributable to mining, expressed as percentages of total wages and salaries, decreased from 6.5 percent in 1946 to 5.0 percent in 1951, and fell to 2.8 percent in 1956.² The significance of the decrease in the relative importance of the mining industry as a source

¹ The "reference states" are New York, New Jersey, Massachusetts, Ohio and Indiana.

² Constant dollars are defined as dollars of equal purchasing power and are calculated by reference to the Consumer Price Index (average 1947-1949=100), of the United States Department of Labor.

¹ See Appendix Table 2 for a comparison of wages and salaries and total personal income.

² See Appendix Table 2.

³ For an account of the economy of the anthracite region, see Anthracosilicosis and Commonwealth Expenditure under the Occupational Disease Law, a Report of the Joint State Government Commission 1959, Section II; for a survey of the mining industries in Pennsylvania, see Pennsylvania Minerals, a Report of the Joint State Government Commission 1953.

of wage and salary income is brought into high relief if changes in mining wages and salaries, which occurred over the periods 1946-1951 and 1951-1956, respectively, are examined. During the first period, mining wages and salaries (in constant dollars) decreased 12.2 percent, and during the second period, 33.4 percent.⁴

In view of the contemporary importance of manufacturing in Pennsylvania and the decline of the mining industry, the remainder of Section II will be devoted to (1) analyses of manufacturing developments in Pennsylvania, the reference states and the United States, (2) a review of mining employment and total and average wages paid by the mining industry in Pennsylvania, and (3) an examination of employment losses and employment gains in the different labor markets of Pennsylvania, for the period 1951-1956.

Section III represents an attempt to bind major component parts of Pennsylvania's economy together. Specifically, Section III compares 1951-1956 changes in (1) employment in manufacturing and mining, (2) employment in other segments of the private economy, and (3) public employment, Federal, State and local. In turn, the effects of these changes upon total personal income, population growth and population migration are evaluated.

MANUFACTURING: PENNSYLVANIA, REFERENCE STATES AND THE UNITED STATES

Return to Capital Per Employee: 1954

Wage levels are, in large part, determined by production techniques and capital investment per employee. Both capital invested and production techniques are reflected in "return to capital per employee" which, for purposes of this report, is defined as "value added"⁵ minus wages divided by number of employees.

Chart II shows, for Pennsylvania and the reference states as of 1954, the most recent date for which "value added" data are available, relative employment measured in terms of percentage of total employment (horizontal scale) in manufacturing industries; industries are arranged from left to right in descending order by amount of return to capital (in current, that is, 1954 dollars) per employee (vertical scale). For example, in New Jersey (blue line, Graph 1) the chemical industry (number 28) showed in 1954 a return to capital per employee of about \$8,800 (vertical scale) and at that time employed about 10.5 percent (horizontal scale) of all manufacturing employees. Similarly, the food industry (number 20) showed a return to capital of \$6,600 and employed approximately 7.5 percent (18.0 minus 10.5 on the horizontal scale) of all manufacturing employees in New Jersey.

On the basis of Chart II, comparisons can be made between Pennsylvania and the individual reference states with respect to (1) return to capital per employee and (2) percentage distribution of manufacturing employees by magnitude of return to capital. For example, comparison of the blue line (New Jersey) and the red line (Pennsylvania) shows that, inasmuch as the blue line lies generally above the red line, the return to capital per employee is, as a rule, higher in New Jersey than in Pennsylvania. Again, examination of the chart, with reference to the blue and the red lines, shows that in

New Jersey 50 percent of manufacturing employees were engaged in industries showing a return to capital per employee in excess of \$3,500; whereas in Pennsylvania, approximately 40 percent of manufacturing employees were engaged in industries showing a return to capital in excess of that amount.

In passing, it is interesting to observe that like industries located in different states show different returns to capital per employee. For example, the chemical industry located in New Jersey showed a return to capital per employee of \$8,800, while the chemical industries located in Ohio, Massachusetts and Pennsylvania showed returns to capital per employee of \$8,500, \$7,500 and \$6,900, respectively.

Average Wages 1954

Chart III, which as regards design is comparable to Chart II, shows the percentage distribution of manufacturing employees (horizontal scale) by average annual wage (vertical scale) for Pennsylvania and the individual reference states.

Examination of Chart III and comparison with Chart II indicate that:

- (1) Generally speaking, the distributions of employees by reference to return to capital per employee (Chart II) and the distributions of the same employees by reference to average annual wages (Chart III) exhibit the same basic characteristics.
- (2) Specifically, on the basis of both return to capital per employee and average annual wage, the lines representatives of the reference states—with the exception of Massachusetts—tend to be above the lines representative of Pennsylvania.
- (3) Although the Massachusetts lines, through the larger part of the range, fall below the Pennsylvania lines, the chemical industry in Massachusetts shows a higher capital return per employee than any Pennsylvania industry. In addition, Pennsylvania has some industries which show a lower return to capital than any Massachusetts industry (see Chart II). Moreover, a comparable situation obtains with respect to wages (see Chart III).
- (4) Again, examination of the two sets of charts shows that, as regards different industries, there obtains a high positive correlation between return to capital per employee and average wage. In other words, as a general rule, an industry that is characterized by high returns to capital also pays high wages.
For instance, as regards the situation in Pennsylvania, petroleum and coal products and chemicals and allied products had returns to capital per employee in excess of \$6,400; the identical industries paid average wages in excess of \$4,400. At the other extreme, textile mill products, apparel and related products, lumber and wood products, and leather and leather goods had returns to capital per employee of less than \$1,800 and average wages below \$3,200.
- (5) Although returns to capital and returns to labor are highly correlated, the level of returns to capital and the level of wages associated with

⁴ See Appendix Table 3.

⁵ "Value added" is defined as the value of shipments, less value of materials, supplies, contract work, fuels and electric energy.

like industries but operating in different states, are markedly different.

For example, the apparel and related products industry, accounting for 11 percent of total manufacturing employment in Pennsylvania, had a return to capital per employee of \$1,100, as compared to \$2,130 in New York, \$1,540 in Indiana, \$1,500 in Massachusetts, \$1,350 in New Jersey and \$1,470 in Ohio. Comparable data for wages were as follows: \$2,380 in Pennsylvania, \$3,170 in New York, \$2,920 in Ohio, \$2,740 in New Jersey, \$2,640 in Massachusetts and \$2,380 in Indiana.

In the case of the primary metals industry, the return to capital per employee was \$2,920 in Pennsylvania as compared to \$4,140 in Indiana, \$3,700 in Ohio, \$3,630 in New York, \$3,410 in New Jersey and \$2,950 in Massachusetts. Comparable data for wages were as follows: \$4,480 in Pennsylvania, \$4,690 in Indiana, \$4,620 in Ohio, \$4,560 in New Jersey, \$4,550 in New York and \$4,480 in Massachusetts.

It should be noted that the difference between the highest and lowest returns to capital per employee, in the case of the apparel and related products industry, was \$1,030 and was associated with the difference in average wages of \$790. In the case of the primary metals industry, the differences were \$1,220 in the case of returns to capital and \$210 in the case of average wages.

Over-all comparisons for manufacturing between Pennsylvania and the reference states are facilitated by the table below.

State	Return to Capital Per Employee (1954 dollars)	Average Wages Per Employee (1954 dollars)
Pennsylvania	\$3,070	\$3,920
New York	3,380	4,080
New Jersey	3,780	4,260
Massachusetts	2,700	3,730
Ohio	3,560	4,460
Indiana	3,640	4,300

Examination of the table shows that, with respect to both capital return and average wage, in 1954 Pennsylvania was below the average of each reference state, except Massachusetts.

Average Wages 1956

No basic data are currently available to permit an industry analysis of return to capital for the years subsequent to 1954. However, there is good reason to believe that the relationship between level of wages and level of return to capital per employee which existed in 1954 has not materially changed. Again, the evidence suggests that the interstate variations in both wage and capital return levels continue to persist. In fact, Chart IV gives ample evidence of the persistence of interstate intra-industry variations in wage levels.

Chart IV, which is patterned after Chart III, shows for the year 1956 (in terms of 1956 dollars), percentage distributions of covered manufacturing employees by average annual wage in industry of employment in Pennsylvania and the individual reference states.

Cursory inspection of the chart shows that, although

wages were higher in 1956 than they had been in 1954, Pennsylvania's position among the reference states has not materially changed. In 1956, as in 1954, wages paid in Pennsylvania manufacturing industries were generally lower than those paid by comparable industries in the reference states—Massachusetts again being the exception to the general rule. Again, as in 1954, Pennsylvania in 1956 exhibited an exceptionally large concentration of employees in the relatively low-wage industries.

Employment Changes Between 1951 and 1956

Employment losses and employment gains may be divided into two groups: losses and gains associated with general business recessions and recoveries, and losses or gains confined to specific industries or industry groups, frequently concentrated regionally. For convenience of reference, the first group of changes will be referred to as "cyclical employment changes" and the second group will be designated as "trend employment changes." As a general rule, cyclical employment changes take place within relatively short periods of time, whereas trend employment changes extend over periods of several years—sometimes over decades.

Cyclical Employment Changes

The period 1951-1956 was characterized by the recession and recovery of 1954-1955.

The impact of the recession of 1954 upon the manufacturing industries of Pennsylvania, the individual reference states and the United States is portrayed by the following table which compares the level of average covered manufacturing employment for March 1953 and March 1956, months of relatively high economic activity, with the level of average manufacturing employment for March 1954 and March 1955, months of relatively low economic activity.^a

	Average Covered Manufacturing Employment		
	March 1953, 1956	March 1954, 1955	Percentage Change
Pennsylvania	1,581,148	1,485,704	-6.0%
New York	1,965,984	1,906,435	-3.0
New Jersey	837,610	797,468	-4.8
Massachusetts	733,950	690,100	-6.0
Ohio	1,406,779	1,316,087	-6.4
Indiana	650,312	587,665	-9.6
United States	16,912,391	15,999,010	-5.4

Examination of the table shows that the smallest cyclical employment decline (3.0 percent) occurred in the State of New York and the largest (9.6 percent) in Indiana; Pennsylvania, with a 6.0 percent change, occupied an intermediate position.

Trend Employment Changes

Trend employment changes by major manufacturing industries—in Pennsylvania and the individual reference states—are measured in terms of the differences in average number of manufacturing employees in 1951 and 1956, expressed as percentages of the number of manufacturing employees in 1956.

Pennsylvania. The trend employment changes which characterized Pennsylvania's manufacturing industries

^a Data were computed from Employment and Wages of Workers Covered by State Unemployment Insurance Laws, Quarterly Issues 1953-1956, United States Bureau of Employment Security.

are shown graphically on Chart V. The chart shows the average wages paid in 1956 (vertical scale) by specific manufacturing industries identified by number on the red or black lines, and the number of employees gained or lost, as the case may be, between 1951 and 1956 as percentages of the total number of employees engaged in manufacturing in 1956 (horizontal scale). The broken line drawn at right angles across the vertical axis indicates the average wage (\$4,500 which obtained in all manufacturing industries combined in 1956. In addition, the notation below the chart indicates how many employees constitute one percent of all employees in manufacturing.

The chart should be read as follows: The number of employees associated with industries which expanded employment between 1951 and 1956, expressed as a percentage of total manufacturing employment in 1956, approximated three percent (horizontal scale). Since one percent of total manufacturing employment equals 15,280 employees, the industries expanding employment increased by 42,356 employees between 1951 and 1956; similarly, the number of employees associated with industries which contracted employment between 1951 and 1956 approximated 5.4 percent, or 81,881 employees. Between 1951 and 1956 the net loss of manufacturing employment in Pennsylvania was approximately 37,000.⁷

As regards the industries in the gain and loss groups, respectively, the chart should be read as follows: The transportation equipment industry (number 37 on the black line) paid an average wage of \$5,250 in 1956 (vertical scale) and the number of employees added between 1951 and 1956 (7,576) represented .5 percent (horizontal scale) of total manufacturing employment in 1956. Similarly, the petroleum and coal products industry (number 29 on the red line) paid an average wage of \$5,860 in 1956, and the number of employees lost (5,433) represented .4 percent of total manufacturing employment in 1956.

Specifically, Chart V shows:

(1) Employment gains occurred in eight industry groups paying average wages in 1956 above the average of all manufacturing industries combined. These gains accounted for about two percent of total manufacturing employment in 1956, or approximately 25,000 manufacturing employees, and for almost 60 percent of the total employment gains between 1951 and 1956.

(2) Employment losses between 1951 and 1956 occurred in four industries whose 1956 average wages were above the average for total manufacturing in Pennsylvania; losses in these industries accounted for approximately two percent of total manufacturing employment in 1956, and represented about 40 percent of the total employment losses.

Employment gains in industries whose 1956 average wages were above average were more than offset by employment losses in industries whose average wages were above average. Similarly, employment gains in industries paying wages below the average for 1956 were more than offset by losses in industries with wages below the state average. In view of the offsetting changes in above- and below-average wage industries, the wage structure of the employed manufacturing labor force in Pennsylvania has remained relatively unchanged between 1951 and 1956.

Pennsylvania, Reference States and the United States. It is instructive to compare the changes in the Pennsylvania wage structure with changes in the wage structures of the individual reference states and the United States. To facilitate wage structure comparisons, the Pennsylvania graph showing trend employment changes is reproduced on Chart VI, which also shows comparable graphs for the individual reference states and the United States. As will be observed, the 1951-1956 changes in the wage structures of Pennsylvania, the reference states and the United States are strikingly different.

Examination of Chart VI shows: (1) employment gains in each of the reference states, except Massachusetts, were greater than employment losses; (2) in each of the reference states employment gains in industries with 1956 average wages above the state average exceeded employment losses; (3) in the United States as a whole, 89 percent of the employment gains took place in industries whose 1956 wages were above the national average for total manufacturing, whereas 98 percent of the employment losses occurred in industries whose 1956 average wage was below the national average.

In other words, in the United States and in each of the reference states, including Massachusetts, which, like Pennsylvania, showed a net loss in manufacturing employment, the pattern of gains and losses was such as to "improve" wage structures in the sense that the relative number of employed members of the manufacturing labor force, associated with industries paying relatively high wages, increased.

MINING IN PENNSYLVANIA

Employment

The problems presented by the mining industry are somewhat different from those associated with manufacturing. In manufacturing, it appears that one of the critical problems is geographic relocation, determined largely by labor market and raw material considerations. However, the problems faced by the mining industry have arisen, in the main, by virtue of large scale substitution of competitive fuels for bituminous and anthracite coal.⁸

Chart VII shows, for the period 1951-1956, the number of covered mining employees in Pennsylvania classified by product mined. Examination of the chart shows that (1) total mining employment decreased from approximately 170,000 employees in 1951 to approximately 90,000 employees in 1956; (2) employment in bituminous mining decreased from approximately 87,000 to approximately 50,000; (3) employment in the anthracite mining industry decreased from approximately 70,000 to approximately 30,000.

In this connection, it should be noted that, although, in absolute numbers, the declines in bituminous and anthracite employment were of approximately the same magnitude, the percentage decrease in anthracite employment (57 percent) was more pronounced than that of bituminous employment (43 percent).

Wages

Table 1 facilitates evaluation of the marked decline in

⁷ Includes employment changes in "Ordnance and Accessories" (19) and "Tobacco Manufacturing" (21), which are not shown on Chart V. See Appendix Table 6, Footnote 1.

⁸ For details relative to the substitution of competitive fuels for coal, see Anthracosilicosis and Commonwealth Expenditures Under the Occupational Disease Law, a Report of the Joint State Government Commission 1959, Section II.

both anthracite and bituminous employment. The table shows, in terms of current and constant dollars, total wages paid to covered employees by the bituminous and anthracite industries, and average wages, that is, wages per employee, for the years 1951 and 1956.

Examination of the table shows that total wages, in terms of both current dollars and constant dollars, decreased. Specifically, in terms of current dollars, total wages paid by the bituminous industry decreased from \$345,280,000 in 1951 to \$254,630,000 in 1956. In constant dollars, total wages paid by the bituminous industry decreased from \$311,063,000 in 1951 to \$219,131,000 in 1956. In the case of the anthracite industry, total wages decreased from \$237,110,000 to \$124,812,000 in current dollars, and from \$213,613,000 to \$107,411,000 in constant dollars.

However, it should be noted that, in terms of both current and constant dollars, the average wages in both the bituminous and anthracite industries increased. In terms of current dollars, average wages increased from \$3,960 in 1951 to \$5,090 in 1956 in the bituminous industry, and from \$3,410 to \$4,220 in the anthracite industry. In constant dollars, average wages increased from \$3,560 in 1951 to \$4,380 in 1956 in the bituminous industry, and from \$3,070 to \$3,630 in the anthracite industry.

REGIONAL IMPACT OF CHANGES IN EMPLOYMENT LEVELS

Over the period under review, both cyclical and trend changes in employment levels were not uniformly dis-

tributed throughout Pennsylvania, but showed marked regional variations. The present subsection presents, on a regional basis: (1) cyclical changes in total covered employment; (2) trend changes in employment levels for (a) mining and manufacturing combined, and (b) all other covered employment; and (3) population changes. Throughout this subsection regions are defined in terms of labor markets.⁹

Cyclical Employment Changes

As was previously indicated,¹⁰ cyclical employment changes are measured by the percentage change between (a) average number of covered employees, March 1953 and March 1956, and (b) average number of covered employees, March 1954 and March 1955.¹¹ Map 1 shows the regional distribution of these percentage changes in employment. For convenience of reference, the percentage changes are classified into three groups: high, 13.5 percent to 7.0 percent (black areas); medium, 6.9 percent to 3.1 percent (striped areas), and low, 3.0 percent or less (white areas).

Examination of the map shows: (1) the most pronounced percentage changes (13.5 to 7.0 percent) were concentrated in the western part of the state; (2) the least pronounced employment changes (3.0 percent or

⁹ For a listing of labor markets, see Appendix page 46.

¹⁰ See page 15.

¹¹ Employment statistics on a county basis are computed for the month of March by the Pennsylvania Department of Labor and Industry; for most industries and most labor markets, March is a month of minimal seasonal unemployment.

Table 1

TOTAL WAGES AND AVERAGE ANNUAL WAGE OF COVERED MINING EMPLOYEES, BY PRODUCT MINED CURRENT AND CONSTANT DOLLARS, PENNSYLVANIA, 1951 AND 1956

	All Mining	Anthracite Coal	Bituminous and Lignite Coal	Crude Petroleum and Natural Gas	Quarrying and Nonmetallic Products	Metals
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Total Wages						
Current Dollars (In Thousands)						
1951	\$632,057	\$237,110	\$345,280	\$21,209	\$25,248	\$3,210
1956	436,592	124,812	254,630	20,919	30,675	5,556
1951-1956 (Percent Change)	-30.9%	-47.4%	-26.3%	-1.4%	+21.5%	+73.1%
Constant Dollars ¹ (In Thousands)						
1951	\$569,420	\$213,613	\$311,063	\$19,107	\$27,746	\$2,892
1956	375,725	107,411	219,131	18,003	26,398	4,781
1951-1956 (Percent Change)	-34.0%	-49.7%	-29.6%	-5.8%	+16.1%	+65.3%
Average Annual Wage per Employee ²						
Current Dollars						
1951	\$ 3,680	\$ 3,410	\$ 3,960	\$ 2,970	\$ 3,610	\$ 3,960
1956	4,690	4,220	5,090	3,790	4,565	4,690
Constant Dollars ¹						
1951	\$ 3,310	\$ 3,070	\$ 3,560	\$ 2,670	\$ 3,250	\$ 3,570
1956	4,040	3,630	4,380	3,260	3,930	4,040

¹ "Constant Dollars" are defined as current dollars adjusted by the average annual Consumer Price Index (1947-1949 = 100), United States city average, of the United States Department of Labor.

² For data on employment used to determine average annual wage, see Appendix Table 7.

Source: Adapted from data published in Employment and Wages of Workers Covered by State Unemployment Insurance Laws, Quarterly Issues, 1951 and 1956, United States Bureau of Employment Security; Monthly Labor Review, May 1958, United States Department of Labor.

less) were concentrated primarily in the southeastern part of the state.

Analysis of the geographic variations in employment changes suggests that the severity of cyclical unemployment in a given region depends upon its industrial characteristics. Some manufacturing industries, such as primary metals, heavy machinery and transportation equipment, generally are more sensitive to cyclical changes than others. Again, to the extent that bituminous coal production depends upon activity levels in the primary metals industry, mining employment as a rule exhibits marked cyclical fluctuations. The effect of a cyclical change upon nonmanufacturing industries, other than mining, is generally less severe.

To facilitate judgments regarding the importance of different segments of the private economy in recession periods, the table below has been prepared. The table shows, for labor markets characterized by high, medium, and low cyclical changes in employment, the March 1956 percentage ratios: (1) employment in the primary metals, transportation equipment, heavy machinery, and bituminous coal industries combined, to employment in all total covered industries; and (2) covered employment in industries other than mining or manufacturing to total employment in all covered industries.¹²

Area	Employment in Cycle-sensitive Industries * As Percentage of Total, All Industries	Employment in Industries Other Than Mining and Manufacturing As Percentage of Total, All Industries
High	29.2%	40.7%
Medium	23.0	44.4
Low	8.9	52.1
Philadelphia	9.0	54.5
Pittsburgh	30.0	47.4

Examination of the table shows that the severity of cyclical employment losses vary directly with the proportion of total employment in industries which are sensitive to cyclical changes. For instance, in labor markets experiencing percentage declines in employment ranging from 13.5 percent to 7 percent (black areas on Map I), 29.2 percent of total covered employment was concentrated in primary metals, heavy machinery, transportation equipment and bituminous coal mining. At the other extreme, 8.9 percent of total covered employment was concentrated in these industries in labor markets which experienced percentage declines in employment of three percent or less.¹³

As regards the importance of the predominating industries in a given labor market, it is interesting to compare the Pittsburgh and Philadelphia labor markets. The

map shows that, whereas Pittsburgh experienced relatively severe cyclical unemployment, cyclical unemployment in Philadelphia was relatively slight. In this connection, it should be noted that in the Philadelphia labor market 9.0 percent of total covered employment was engaged in industries sensitive to cyclical changes, and 54.5 percent in nonmanufacturing industries, other than mining. The comparable percentages for Pittsburgh were 30.0 and 47.4.

Trend Employment Changes

Trend employment changes have been previously defined as "losses or gains confined to specific industries or industry groups frequently concentrated regionally"¹⁴ which generally extend over periods of several years—sometimes over decades.

The present subsection examines trend employment changes on a labor market basis. It should be noted that trend employment losses in manufacturing and mining may be compensated for by employment gains in other segments of the private economy or by employment gains in the public sector of the economy. In the absence of compensatory employment gains, employment losses in a given segment of the economy eventuate in population migrations, so-called "chronic unemployment" or underemployment which frequently occur simultaneously.

Table 2 shows, on a labor market basis, for the period March 1951-March 1956: (1) net changes (gains or losses) in covered mining and manufacturing employment; (2) net changes in covered employment, except mining and manufacturing; and (4) net changes in population for the period April 1950-January 1957.

Examination of the table (column 2) shows:

- (1) All but 11 of the 40 Pennsylvania labor markets presented in the table (Butler, Bradford, Honesdale, Montrose, Chambersburg, Oil City, Harrisburg, Williamsport, York, Altoona, and Lancaster) showed net trend losses in covered mining and manufacturing employment for the period under review; the net losses in mining and manufacturing for the State as a whole totalled 146,700.¹⁵
- (2) The net employment losses in mining and manufacturing which characterized 29 labor markets were compensated for by net gains in other covered employment in but eight labor markets (Philadelphia, Allentown, Clearfield, Bedford, Clarion, Newport, Sayre-Towanda, and Sharon-Farrell).
- (3) One labor market (Bradford), though showing a net gain in mining and manufacturing employment, registered a net loss in total covered employment.
- (4) As regards Pennsylvania as a whole, total covered employment showed a net loss of 86,951 jobs.

* Cycle-sensitive industries are defined as primary metals, machinery (except electrical), transportation equipment and bituminous coal industries.

¹² The relative importance of selected employments is measured in terms of 1956 rather than 1954 or 1955 data because 1954 or 1955 data would tend to understate the importance of cycle-sensitive industries.

¹³ For details on individual labor markets, see Appendix Table 8.

¹⁴ See page 15.

¹⁵ This total, based upon March data, differs from the sum of the losses individually shown in the manufacturing and mining subsections (pages 17 and 23), which are based upon annual average data.

TABLE 2
NET CHANGE IN COVERED EMPLOYMENT FOR MINING AND MANUFACTURING, FOR INDUSTRIES OTHER THAN MINING AND MANUFACTURING, AND FOR ALL INDUSTRIES COMBINED, MARCH 1951-MARCH 1956, AND NET POPULATION CHANGE APRIL 1, 1950-JANUARY 1, 1957, BY PENNSYLVANIA LABOR MARKETS

Labor Market	Net Employment Change 1951-1956				Net Population Change 1950-1957
	Mining and Manufacturing	Industries Other Than Mining and Manufacturing	Total All Industries		
(1)	(2)	(3)	(4)	(5)	
Philadelphia	-31,024	+34,478	+3,454	+386,706	
Pittsburgh	-30,587	+13,458	-17,129	+106,317	
Wilkes-Barre	-19,267	-2,571	-21,838	-33,517	
Johnstown	-8,651	-1,193	-9,844	-8,631	
Sunbury	-7,203	-333	-7,536	-6,277	
Uniontown	-7,083	-1,225	-8,308	-16,922	
Erie	6,234	+1,237	+4,947	+15,367	
Pottsville	-5,986	-1,217	-7,203	-13,582	
Scranton	-4,493	-1,201	-5,694	-14,365	
Reading	-4,391	+1,932	-2,459	+16,192	
New Castle	3,753	+404	3,349	+2,592	
Armstrong	3,261	+175	3,086	+1,016	
Waynesburg	2,644	-56	2,700	3,607	
St. Marys	2,322	+140	2,182	+1,223	
Allentown	2,128	+4,172	+2,044	+39,536	
Clearfield	1,695	+1,868	+173	3,618	
Indiana	1,344	-1,067	2,411	8,658	
Huntington	1,013	+91	922	1,755	
Lewistown	909	+560	-349	1,878	
Lebanon	851	+311	540	+6,791	
Wellsboro	675	+225	-450	384	
Lock Haven	647	+80	567	+138	
E. Stroudsburg	511	+391	120	6,960	
Bedford	336	+968	+632	+185	
Clarion	189	+293	+104	2,957	
Newport	186	+188	+2	1,033	
Sayre-Towanda	128	+185	+57	3,549	
Charon-Farrell	111	+1,316	+1,205	+10,108	
Warren	83	+79	-4	322	
Butler	+166	+2,324	+2,490	+4,816	
Bradford	+302	-524	-222	3,567	
Honesdale	+401	+26	+427	+359	
Montrose	+419	+279	+698	+1,009	
Chambersburg	+426	+413	+839	+3,780	
Oil City	+510	+452	+962	+4,730	
Harrisburg	+834	+3,898	+4,732	+19,149	
Williamsport	+1,144	-183	+961	+8,095	
York	+1,400	+4,816	+6,216	+27,537	
Altoona	+1,430	-559	+871	6,325	
Lancaster	+1,501	+2,735	+4,236	+17,028	
PENNSYLVANIA	-146,700 ¹	+59,749 ¹	-86,951 ¹	+544,985	

¹ Net changes in employment for Pennsylvania differ from the sums of all labor markets, because some employees cannot be allocated to specific labor markets, but are included in the Pennsylvania data.

SOURCE: Adapted from data furnished by the Pennsylvania Department of Labor and Industry, Bureau of Employment Security; The Population of Pennsylvania (revised edition, July 1958), Pennsylvania State Planning Board, Office of the Governor.

In connection with net losses in total covered employment, it should be noted that, in some cases, the net losses in a given labor market were associated with net losses in population. Specifically, the net losses in total covered employment were associated with population losses in the labor markets of Wilkes-Barre, Johnstown, Sunbury, Uniontown, Pottsville, Scranton, Armstrong, Waynesburg, Indiana, Huntington, Lewistown and Wellsboro. Whenever a net loss in total covered employment is not associated with a net population loss, it must be presumed that the labor market has been characterized by an increase in employment in the public sector of the economy or has been subject to "chronic unemployment" or underemployment.

The severity of so-called "chronic unemployment," which is often associated with underemployment, may be approximated by relating, for periods generally characterized by high employment levels, the number of persons who receive unemployment compensation to the number of persons covered by unemployment compensation statutes.

Map II shows for Pennsylvania labor markets the percentages of persons receiving unemployment compensation payments to persons covered by unemployment compensation. The percentages were computed by expressing the number of persons receiving unemployment compensation payments as percentages of the number of persons covered separately for March 1953, March 1956, and March 1957, and averaging the three percentages so computed. It should again be noted that the years by reference to which the percentages have been computed were characterized by relatively high levels of economic activity.

For convenience of reference, these percentages have been divided into three groups: percentages ranging from 14.5 to 7.1 have been designated as high, and the percentages ranging 7.0 to 4.2, and 4.1 or less have been designated medium and low, respectively. High, medium, and low percentages are shown on the map as black, striped, and white areas, respectively.

Examination of Map II shows that (1) unemployment was heavily concentrated in the north-eastern part of the state, and in Fayette, Clarion, and Bedford¹⁶ labor markets (black areas); (2) the western labor markets, the southeastern markets, and the Crawford, Greene, Elk and Lycoming markets showed relatively low levels of unemployment; (3) the northern tier markets and the central markets, as well as the Greene, Somerset, Fulton and Franklin markets, were characterized by medium levels of unemployment.

As regards the industrial structure typical of the labor markets showing different levels of "chronic unemployment," the following may be noted: In labor markets which showed heavy unemployment concentration (black areas), 17.0 percent of total covered employment in March 1956 were engaged in coal mining or textile manufacturing; the comparable percentages for labor markets characterized by medium and low unemployment were 10.5 and 4.1, respectively.¹⁷ As regards these two industries, it has been previously noted that anthracite mining, by virtue of the competition of other fuels, has lost its traditional position in the fuel markets. As regards textiles, it appears that the textile industries in the northeastern part of Pennsylvania are following the national trend, gradually moving into the southern states.

In conclusion it should be noted that the geographic pattern of trend unemployment (Map II) is quite different from the geographic pattern of cyclical unemployment (Map I).

Section III

THE PENNSYLVANIA ECONOMY 1951-1956: AN OVER-ALL VIEW

Section I of this report, which deals with changes in per capita income of constant purchasing power, serves a twofold purpose: to trace changes in the income positions of Pennsylvanians which have taken place within the recent past, and to facilitate appraisal of these changes in the light of the experience of other states and the United States. Section II explores interstate differences in the structure of manufacturing employment with respect

¹⁶ The Bedford labor market, a resort area, unlike other labor markets in the high unemployment group, generally experiences heavy seasonal unemployment in March.

¹⁷ For details regarding individual labor markets, see Appendix Table 9.

to capital investment and average wage levels, analyzes wage and employment trends in Pennsylvania mines, and evaluates the changes in employment—jobs gained or lost—that have occurred in Pennsylvania labor markets.

It has been shown that, between March 1951 and March 1956, the number of covered employes in the mining and manufacturing industries combined decreased by 146,700. It has also been pointed out that covered employment in other segments of the private economy has not grown with sufficient rapidity to compensate for the loss in mining and manufacturing employment. Between March 1951 and March 1956, total covered employment in Pennsylvania decreased by 86,951.¹

In this connection, cognizance should be taken of the changes in the total number of persons gainfully employed—covered and noncovered. During the period March 1951-March 1956, the estimated total number of gainfully employed decreased from 4,373,000 to 4,301,900, a decrease of 71,100.² In fact, the evidence suggests that employment increased during the period in but two noncovered segments of the economy. The estimated number of self-employed increased from 429,100 in March 1951, to 437,300 in March 1956; and the estimated number of Federal, State and local government employes increased from 363,400 to 403,500 during the same period.³

In other words, the decrease in employment in the private sector of the economy was but in part offset by employment increases in the public sector. It is generally agreed that, in a private enterprise framework, contracting private employment coupled with expanding public employment is symptomatic of adverse changes in the rate of economic growth.

¹ It should be noted that all employment data presented in this section are for March of 1951 and 1956. If different reference points, for example, observations extending over several rather than a single month, during each year had been chosen, the magnitude of the employment loss would vary. However, the evidence indicates that, regardless of the reference points chosen, the pattern of employment changes in Pennsylvania would not be altered.

² Pennsylvania Department of Labor and Industry, Total Employment in Pennsylvania, 1951 and 1956 (mimeographed).

³ Ibid.

The adverse changes in the rate of development of the Pennsylvania economy have not generated over-all population losses for the Commonwealth. In fact, during the period 1950-1957, the total population of Pennsylvania, unlike the populations of some of the Commonwealth's labor markets, has increased from 10,498,012 to 11,042,997. However, it should be noted that over the recent past net out-migration from the Commonwealth has approximated 50,000 persons per year.⁴

Adverse changes in the rate of growth can be quantitatively approximated in terms of changes in total personal income, which is the sum of the incomes of individuals and which reflects, simultaneously, changes in employment, income levels and population. Similarly, interstate comparisons of changes in total personal income can be employed to evaluate economic development in Pennsylvania.

The table below shows the percentage increases, 1951-1956, in total personal income (constant dollars) for Pennsylvania, the reference states and the United States.

	Percentage Increase 1951-1956
Pennsylvania	17.4%
New York	23.1
New Jersey	27.2
Massachusetts	20.9
Ohio	27.1
Indiana	20.5
United States	23.8

Note: For detail, see Appendix Table 1.

These increases in total personal income show that, although Pennsylvania has participated in the growth of the Nation, its expansion has been at a lesser rate than that of the reference states or the United States.

⁴ Computed from data furnished by Pennsylvania State Planning Board, Office of the Governor.

APPENDIX

Appendix Table 1

PER CAPITA PERSONAL INCOME, TOTAL PERSONAL INCOME AND POPULATION, PENNSYLVANIA,
REFERENCE STATES AND THE UNITED STATES, 1946, 1951, 1956 AND 1957
AND PERCENTAGE CHANGES, 1946-1956, 1946-1951 AND 1951-1956

State	1946	1951	1956	1957	1946-1956	1946-1951	1951-1956
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Per Capita Personal Income (Constant Dollars) ¹							
	Dollars				Percentage Change		
Pennsylvania	\$ 1,525	\$ 1,561	\$ 1,744	\$ 1,757	+14.4%	+ 2.4%	+11.7%
New York	2,025	1,803	2,114	2,145	+ 4.4	-11.0	+17.2
New Jersey	1,831	1,797	2,072	2,083	+13.2	- 1.9	+15.3
Massachusetts	1,674	1,667	1,924	1,943	+14.9	- .4	+15.4
Ohio	1,570	1,685	1,880	1,876	+19.7	+ 7.3	+11.6
Indiana	1,429	1,521	1,701	1,672	+19.0	+ 6.4	+11.8
United States ²	1,496	1,486	1,688	1,686	+12.8	- .7	+13.6
Total Personal Income (Constant Dollars) ¹							
	Millions of Dollars				Percentage Change		
Pennsylvania	\$ 15,061	\$ 16,250	\$ 19,079	\$ 19,407	+26.7%	+ 7.9%	+17.4%
New York	27,200	27,174	33,456	34,072	+23.0	- 0.1	+23.1
New Jersey	8,247	8,980	11,423	11,721	+38.5	+ 8.9	+27.2
Massachusetts	7,595	7,662	9,263	9,452	+22.0	+ .9	+20.9
Ohio	11,800	13,416	17,052	17,261	+44.5	+13.7	+27.1
Indiana	5,292	6,262	7,546	7,579	+42.6	+18.3	+20.5
United States ²	210,420	227,892	282,226	287,248	+34.1	+ 8.3	+23.8
Population							
	Thousands				Percentage Change		
Pennsylvania	9,880	10,407	10,940	11,043	+10.7%	+ 5.3%	+ 5.1%
New York	13,434	15,074	15,826	15,888	+17.8	+12.2	+ 5.0
New Jersey	4,505	4,996	5,513	5,627	+22.4	+10.9	+10.3
Massachusetts	4,536	4,597	4,803	4,866	+ 5.9	+ 1.3	+ 4.5
Ohio	7,516	7,962	9,071	9,200	+20.7	+ 5.9	+13.9
Indiana	3,703	4,118	4,436	4,533	+19.8	+11.2	+ 7.7
United States ²	140,638	153,384	167,259	170,333	+18.9	+ 9.1	+ 9.0

¹ Dollar values are "constant dollars" defined as current dollars adjusted by the average annual Consumer Price Index (average 1947-1949 = 100), United States city average, of the United States Department of Labor. Consumer Price Index 1946 was adjusted to the 1947-1949 base period.

² United States excludes Alaska and Hawaii.

SOURCE: Adapted from data published in Personal Income by States Since 1929, and Survey of Current Business, August 1959, United States Department of Commerce; Monthly Labor Review, December 1951, May 1958, United States Department of Labor.

Appendix Table 2

NONFARM WAGES AND SALARIES AND FARM INCOME AS PERCENTAGES OF TOTAL PERSONAL INCOME, AND MAJOR SOURCES AS PERCENTAGES OF TOTAL NONFARM WAGES AND SALARIES, PENNSYLVANIA, REFERENCE STATES AND THE UNITED STATES, 1946, 1951 AND 1956

State	Year	Percentage of Total Nonfarm Wages and Salaries									
		Percentage of Total Personal Income		Percentage of Total Nonfarm Wages and Salaries							
		Nonfarm Wages and Salaries	Farm Income ¹	Manufacturing	Mining	Wholesale and Retail Trade	Transportation and Communication and Public Utilities	Government	Contract Construction	Service ²	Total Wages and Salaries
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)
Pennsylvania	1946	66.3%	3.0%	41.6%	6.5%	15.2%	10.8%	11.6%	3.6%	10.7%	100.0%
	1951	70.7	2.3	43.4	5.0	15.4	10.1	10.2	5.3	10.6	100.0
	1956	70.9	1.4	43.8	2.8	15.9	9.7	10.9	5.2	11.7	100.0
New York	1946	65.5	2.1	34.2	.2	20.9	10.1	12.7	3.3	18.6	100.0
	1951	49.1	1.6	33.0	.2	21.4	9.3	12.6	4.7	18.8	100.0
	1956	69.4	.9	32.4	.2	20.7	9.1	13.2	5.0	19.4	100.0
New Jersey	1946	59.4	2.3	46.0	.2	14.3	10.0	13.0	4.2	12.3	100.0
	1951	72.3	1.8	45.8	.3	15.3	9.0	10.8	6.1	12.7	100.0
	1956	72.1	1.2	44.5	.3	15.8	8.7	11.0	6.1	13.6	100.0
Massachusetts	1946	66.5	1.6	42.8	.1	18.3	7.9	13.9	3.5	13.5	100.0
	1951	67.6	1.2	41.9	.2	18.2	6.7	14.4	4.6	14.0	100.0
	1956	69.0	.6	40.0	.2	18.1	7.0	14.0	5.0	15.7	100.0
Ohio	1946	65.9	5.5	47.7	1.1	16.1	9.8	11.1	3.9	10.3	100.0
	1951	70.7	3.6	50.0	.9	15.5	8.9	9.8	5.5	9.4	100.0
	1956	72.1	2.2	48.8	.8	15.8	8.2	10.3	5.9	10.2	100.0
Indiana	1946	62.9	11.4	46.5	1.5	16.2	10.3	12.3	3.9	9.3	100.0
	1951	68.3	8.6	49.7	1.3	15.8	9.1	10.3	5.2	8.6	100.0
	1956	70.7	4.8	48.6	.9	16.4	8.3	10.1	6.2	9.5	100.0
United States ³	1946	60.9	9.4	34.1	2.2	18.3	10.6	17.1	4.1	13.6	100.0
	1951	65.4	7.5	35.1	2.2	18.1	9.6	16.0	5.9	13.1	100.0
	1956	67.7	4.4	34.9	1.9	18.0	9.1	16.0	6.1	14.0	100.0

¹ Farm income consists of proprietor's income and wages and salaries.

² Includes Finance, Insurance, and Real Estate; Services, and Other Industries.

³ United States excludes Alaska and Hawaii.

SOURCE: Adapted from data published in Personal Income by States Since 1929 and Survey of Current Business, August 1958, United States Department of Commerce.

Appendix Table 3

PERCENTAGE CHANGES IN NONFARM WAGES AND SALARIES, FARM INCOME AND MAJOR SOURCES OF NONFARM WAGES
AND SALARIES, PENNSYLVANIA, REFERENCE STATES AND THE UNITED STATES,
1946-1956, 1946-1951, AND 1951-1956

Periods		State		Percentage Change in Components of Total Personal Income				Percentage Change in Sources of Nonfarm Wages and Salaries						
				Nonfarm Wages and Salaries		Farm Income ¹	Manu- facturing	Mining	Wholesale Transportation and Communication			Contract Con- struction	Service ²	
									Retail Trade	Utilities	Government			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)				
1946-1956	Pennsylvania	+35.5%	-40.6%	+42.8%	-41.5%	+41.5%	+21.2%	+27.7%	+94.7%	+48.6%				
	New York	+30.4	-42.2	+23.1	+60.0	+28.9	+17.8	+36.1	+99.0	+35.9				
	New Jersey	+42.4	-28.2	+37.8	+76.9	+57.1	+23.1	+20.5	+109.6	+57.8				
	Massachusetts	+26.6	-49.2	+18.5	+83.3	+24.8	+12.8	+27.6	+82.9	+47.1				
	Ohio	+58.2	-42.7	+61.9	+6.7	+55.5	+32.8	+46.4	+138.2	+57.0				
	Indiana	+60.2	-39.6	+67.4	-6.0	+62.0	+29.1	+31.6	+153.4	+63.2				
	United States ³	+49.0	-37.6	+53.1	+24.6	+47.0	+27.3	+39.3	+121.0	+53.1				
1946-1951	Pennsylvania	+15.0	-18.8	+20.6	-12.2	+16.2	+6.9	+8	+68.6	+13.5				
	New York	+4.7	-21.5	+1.0	+31.4	+6.9	-3.5	+3.8	+50.0	+5.5				
	New Jersey	+12.3	-14.4	+11.8	+38.5	+20.3	+3	-6.5	+66.3	+15.6				
	Massachusetts	+6.3	-19.5	+4.1	+33.3	+5.6	-9.8	+10.1	+42.3	+10.1				
	Ohio	+22.1	-25.6	+27.8	-1.1	+18.1	+11.2	+7.2	+71.7	+12.0				
	Indiana	+28.5	-10.6	+37.5	+14.0	+25.0	+12.5	+8.1	+69.5	+18.7				
	United States ³	+16.3	-13.6	+20.1	+13.9	+15.3	+4.9	+8.6	+66.8	+11.9				
1951-1956	Pennsylvania	+17.8	-26.9	+18.5	-33.4	+21.8	+13.3	+26.7	+15.5	+30.9				
	New York	+24.6	-31.4	+21.9	+21.7	+20.5	+22.1	+31.2	+32.6	+28.8				
	New Jersey	+26.8	-16.1	+23.2	+27.8	+30.6	+22.7	+29.0	+26.1	+36.5				
	Massachusetts	+19.2	-36.8	+13.8	+37.5	+18.1	+25.0	+15.9	+28.5	+33.6				
	Ohio	+29.6	-23.0	+26.7	+8.0	+31.7	+19.4	+36.6	+38.7	+40.2				
	Indiana	+24.7	-32.4	+21.8	-17.5	+29.5	+14.7	+21.8	+49.5	+37.5				
	United States ³	+28.1	-27.4	+27.5	+9.4	+27.4	+21.4	+28.3	+32.5	+36.8				

¹ Farm income consists of proprietor's income and wages and salaries.

² Includes Finance, Insurance, and Real Estate; Services, and Other Industries.

³ United States excludes Alaska and Hawaii.

Note: Percent changes are based on "constant dollars," defined as current dollar values adjusted by the average annual Consumer Price Index (average 1947-1949 = 100), United States city average, of the United States Department of Labor. Consumer Price Index 1946 was adjusted to the 1947-1949 base period.

SOURCE: Adapted from data published in Personal Income by States Since 1929, and Survey of Current Business, August 1958, United States Department of Commerce; Monthly Labor Review, December 1951, May 1953 United States Department of Labor.

APPENDIX TABLE 4

PERCENTAGE OF TOTAL MANUFACTURING EMPLOYMENT, RETURN TO CAPITAL PER EMPLOYEE AND AVERAGE ANNUAL WAGE, BY INDUSTRY, PENNSYLVANIA, AND REFERENCE STATES, 1954

Code Number	Industry	Percentage of Total Manufacturing Employment					Return to Capital Per Employee							Average Annual Wage					
		Percentage of Total Manufacturing Employment					Return to Capital Per Employee							Average Annual Wage					
		Penna.	N. Y.	N. J.	Mass.	Ohio	Ind.	Penna.	N. Y.	N. J.	Mass.	Ohio	Ind.	Penna.	N. Y.	N. J.	Mass.	Ohio	Ind.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)
20	Food and Kindred Products	8.0%	8.0%	7.6%	7.2%	6.6%	8.3%	\$3,620	\$4,820	\$6,560	\$2,820	\$4,260	\$4,210	\$3,680	\$4,140	\$4,240	\$3,620	\$4,050	\$3,850
21	Tobacco Manufacturing	1.1	1.1	1.5	1.1	1.1	2.2	2,280	3,000	5,810	3,290	3,270	1,370	2,380	2,540	2,750	2,340	2,550	2,240
22	Textile Mill Products	7.1	3.5	5.9	10.3	9	5	1,780	2,770	2,100	1,770	1,930	3,160	3,160	3,510	3,870	3,360	3,650	3,100
23	Apparel and Related Products	11.0	20.1	9.9	8.7	2.0	2.6	1,100	2,130	1,350	1,500	1,470	1,540	2,380	3,170	2,740	2,640	2,920	2,380
24	Lumber and Wood Products	1.0	9	7	9	1.8	1.8	1,450	1,860	2,010	1,620	2,080	2,160	2,720	3,320	3,430	3,160	3,320	3,320
25	Furniture and Fixtures	1.6	2.0	1.1	1.9	1.7	3.8	2,040	2,720	2,750	2,020	2,980	1,870	3,360	3,840	3,830	3,510	4,140	3,490
26	Paper and Allied Products	2.7	3.4	3.2	3.1	2.8	1.6	3,870	3,300	3,690	2,980	3,910	3,120	4,120	4,060	4,420	3,920	4,440	3,990
27	Printing and Publishing	4.4	8.9	3.1	5.4	4.7	3.1	3,150	4,510	2,580	2,530	3,310	2,730	4,470	4,910	4,560	4,120	4,550	4,230
28	Chemicals and Allied Products	3.2	3.6	10.4	2.3	3.4	4.5	6,860	8,340	8,320	7,500	8,540	8,060	4,440	4,530	4,900	4,470	4,690	5,000
29	Products of Petroleum and Coal	1.8	3	2.2	3	1.0	2.6	6,420	3,640	3,330	5,010	7,840	5,890	4,860	4,860	5,380	5,100	5,030	5,180
30	Rubber Products	9	5	1.8	3.6	5.6	2.6	5,080	2,840	2,710	3,420	2,210	2,830	4,260	4,090	4,140	4,100	4,470	4,280
31	Leather and Leather Goods	2.2	3.2	1.4	9.7	1.0	4	1,250	1,510	1,780	1,460	1,690	2,340	2,700	2,960	3,200	3,060	2,980	2,650
32	Stone, Clay and Glass Products	4.6	2.1	4.0	1.5	5.1	4.1	3,630	3,820	3,040	3,020	3,380	3,610	4,010	4,270	4,040	4,310	4,040	3,880
33	Primary Metal Industries	16.8	3.9	4.6	2.8	13.5	14.9	2,920	3,630	3,410	2,950	3,700	4,140	4,480	4,550	4,560	4,480	4,620	4,690
34	Fabricated Metal Products	7.4	5.2	6.5	5.3	9.7	7.0	2,930	2,910	3,770	3,390	3,210	3,300	4,260	4,160	4,430	4,010	4,450	4,310
35	Machinery (except Electrical)	9.1	7.5	8.7	11.3	16.9	10.5	3,330	3,550	2,960	2,670	3,160	3,340	4,500	4,660	4,730	4,370	4,820	4,510
36	Electrical Machinery	7.3	6.6	13.1	11.1	7.0	11.6	4,980	3,350	3,190	3,540	3,780	3,900	4,190	4,140	4,300	3,820	4,310	4,160
37	Transportation Equipment	4.8	7.5	6.9	3.5	12.8	15.9	2,700	3,400	4,020	4,420	3,680	3,260	4,860	5,020	4,850	4,770	4,690	4,690
38	Professional and Scientific Instruments	1.8	4.2	3.3	2.6	3	3.5	3,040	3,940	2,680	3,280	2,580	4,480	4,220	4,820	4,830	3,970	4,180	3,710
39	Miscellaneous Manufacturing Industries ¹	3.2	8.5	5.1	6.4	3.6	3.5	2,570	2,690	2,440	2,240	2,590	2,070	3,580	3,840	3,610	3,530	4,030	4,220
	All Manufacturing	100.0	100.0	100.0	100.0	100.0	100.0	3,070	3,380	3,780	2,700	3,560	3,640	3,920	4,080	4,260	3,730	4,460	4,300

1 Includes Ordnance and Accessories (Code Number 19).

SOURCE: Adapted from data published in 1954 Census of Manufacturers, State Bulletins, United States Bureau of the Census.

APPENDIX TABLE 5

PERCENTAGE DISTRIBUTION OF TOTAL MANUFACTURING EMPLOYMENT COVERED BY STATE UNEMPLOYMENT INSURANCE LAWS AND AVERAGE WAGE, BY INDUSTRY, PENNSYLVANIA, REFERENCE STATES AND THE UNITED STATES, 1956

Code Number	Industry	Percentages of Total Manufacturing Employment ¹										Average Wage ²				
		Penna.	N. Y.	(4)	(5)	(6)	(7)	(8)	(9)	U. S. ³	Penna.	N. Y.	(12)	(13)	(14)	(15)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	U. S. ³	(10)	(11)	(12)	(13)	(14)	(15)	(16)
19	Ordnance and Accessories	4%	1.3%	*	6.8%	6%	2%	6%	7%	\$4,930	\$6,140	\$5,300	\$4,700	\$5,420	\$4,960	\$5,380
20	Food and Kindred Products	6.2	6.9	6.8%	5.7	5.7	5.0	6.7	9.2	4,030	4,700	4,750	3,980	4,490	4,330	4,190
21	Tobacco Manufacturing	9	1	3	1	1	1	1	6	2,740	3,990	3,130	2,720	2,780	2,490	3,230
22	Textile Mill Products	6.6	3.5	5.5	9.8	9.8	1.0	3	6.3	3,530	4,000	4,320	3,620	4,310	3,350	3,280
23	Apparel and Related Products	10.9	18.7	9.5	8.5	8.5	1.8	2.4	7.0	2,630	3,610	2,970	2,890	3,240	2,690	3,280
24	Lumber and Wood Products	1.1	1.0	.6	1.8	1.8	.8	1.7	4.2	3,100	3,900	3,970	3,720	3,870	3,880	3,450
25	Furniture and Fixtures	1.6	2.0	1.1	1.8	1.8	3.5	3.5	2.2	3,850	4,370	4,350	3,880	4,580	3,900	3,930
26	Paper and Allied Products	2.6	3.5	3.2	5.1	5.1	2.8	1.7	3.4	4,660	4,940	4,910	4,440	5,110	4,520	4,760
27	Printing and Publishing	4.2	8.6	3.3	5.4	5.4	4.2	3.2	4.9	4,740	5,470	5,020	4,460	5,060	4,650	4,970
28	Chemicals and Allied Products	3.6	4.3	10.6	2.6	3.7	4.2	4.2	5.0	5,110	5,380	5,510	5,060	5,520	5,310	5,300
29	Products and Petroleum and Coal	1.9	.7	1.8	3	3	.9	2.1	1.5	5,860	7,110	5,990	5,520	5,860	6,100	5,940
30	Rubber Products	.9	.5	2.0	3.5	3.5	6.0	2.5	1.6	4,800	4,740	4,740	4,440	5,170	4,760	4,830
31	Leather and Leather Goods	2.1	3.3	1.4	9.2	9.2	.9	4	2.2	3,020	3,340	3,520	3,400	3,600	3,020	3,260
32	Stone, Clay and Glass Products	4.9	2.3	4.1	1.6	1.6	5.4	4.1	3.3	4,750	4,950	4,640	5,060	4,800	4,420	4,560
33	Primary Metal Industries	19.4	4.5	4.7	4.7	3.2	15.2	16.6	8.0	5,430	5,350	5,370	5,260	5,470	5,400	5,360
34	Fabricated Metal Products	7.7	5.3	6.3	5.5	5.5	9.8	7.4	6.7	4,810	4,760	4,910	4,490	5,100	4,880	4,870
35	Machinery except Electrical	8.3	8.2	9.1	10.8	18.6	10.7	10.7	10.2	5,090	5,110	5,240	4,970	5,480	5,110	5,260
36	Electrical Machinery	8.2	8.1	15.1	12.9	7.2	12.6	12.6	7.2	4,750	4,960	4,880	4,260	4,820	4,550	4,710
37	Transportation Equipment	4.5	5.9	6.7	3.6	11.0	16.5	16.5	10.8	5,250	5,630	5,330	5,250	5,430	5,240	5,480
38	Professional and Scientific Instruments	1.8	5.4	3.4	3.1	3.1	7	7	2.0	4,760	5,520	5,310	4,390	4,520	4,090	4,980
39	Miscellaneous Manufacturing Industries	2.2	5.9	4.5	5.9	5.9	2.8	2.0	3.0	3,820	3,670	4,100	3,690	4,420	4,440	3,950
	All Manufacturing	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	4,500	4,670	4,760	4,170	5,120	4,850	4,580

1 Averages of employment counts in the pay periods ending nearest the fifteenth of March, May, August and November.

2 Derived by dividing annual payrolls by average employment.

3 United States includes Alaska and Hawaii.

4 Less than .05 percent.

SOURCE: Adapted from data published in "Employment and Wages of Workers Covered by State Unemployment Insurance Laws," Quarterly Issues, 1956, United States Bureau of Employment Security.

APPENDIX TABLE 6

NET CHANGE IN MANUFACTURING EMPLOYMENT COVERED BY STATE UNEMPLOYMENT INSURANCE LAWS, BY INDUSTRY, PENNSYLVANIA, REFERENCE STATES AND THE UNITED STATES, 1951-1956

Number Code	Industry ¹	Pennsylvania		New York		New Jersey		Massachusetts		Ohio		Indiana		United States ²	
		Net Change in Employ- ment 1951-1956	Net Change as Percent of Total Manufacturing Employment 1956	Net Change in Employ- ment 1951-1956	Net Change as Percent of Total Manufacturing Employment 1956	Net Change in Employ- ment 1951-1956	Net Change as Percent of Total Manufacturing Employment 1956	Net Change in Employ- ment 1951-1956	Net Change as Percent of Total Manufacturing Employment 1956	Net Change in Employ- ment 1951-1956	Net Change as Percent of Total Manufacturing Employment 1956	Net Change in Employ- ment 1951-1956	Net Change as Percent of Total Manufacturing Employment 1956	Net Change in Employ- ment 1951-1956	Net Change as Percent of Total Manufacturing Employment 1956
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)
20	Food and Kindred Products	- 5,072	- 3	- 4,018	- 2	+ 5,160	+ 6	+ 6,816	+ 1.0	+ 657	*	- 3,874	- 6	+ 4,547	*
22	Textile Mill Products	-38,796	-2.5	-19,274	-1.0	-12,625	-1.5	-38,266	-5.4	- 1,730	- 1	- 3,574	- 6	-200,804	-1.2
23	Apparel and Related Products	+11,074	+ 7	-30,898	-1.6	- 8,166	-1.0	+ 1,703	+ 2	+ 6,368	- 5	- 2,357	- 4	+ 38,742	+ 2
24	Lumber and Wood Products	+ 3,985	+ 3	- 3,112	- 2	- 523	- 1	- 840	- 1	- 375	- 1	- 959	- 2	- 88,216	- 5
25	Furniture and Fixtures	+ 2,949	+ 2	- 1,385	- 1	- 764	- 1	- 60	*	- 792	- 1	- 2,888	- 5	+ 20,400	+ 1
26	Paper and Allied Products	+ 825	+ 1	+ 2,231	+ 1	+ 2,687	+ 3	+ 2,618	+ 4	+ 2,623	+ 2	+ 515	+ 1	+ 58,559	+ 3
27	Printing and Publishing	+ 5,778	+ 4	+12,687	+ 7	+ 4,880	+ 6	+ 2,498	+ 4	+ 6,582	+ 5	+ 3,681	+ 6	+108,245	+ 6
28	Chemicals and Allied Products	+ 2,178	+ 1	+ 4,795	+ 2	+ 1,749	+ 2	+ 266	*	+ 6,611	+ 5	+ 4,846	+ 8	+ 92,144	+ 5
29	Products of Petroleum and Coal	+ 5,433	+ 4	- 365	*	- 3,687	- 4	- 552	- 1	- 199	*	- 496	- 1	- 4,655	*
30	Rubber Products	+ 2,870	+ 2	- 767	*	+ 114	*	- 1,014	- 1	- 3,039	- 2	- 1,857	- 3	+ 7,944	*
31	Leather and Leather Goods	+ 780	+ 1	- 3,541	- 2	- 1,154	- 1	+ 793	+ 1	- 2,218	- 2	- 341	- 1	- 131	*
32	Stone, Clay and Glass Products	- 5,758	- 4	- 714	*	+ 385	- 1	- 1,094	- 2	- 427	*	- 2,141	+ 3	+ 15,872	+ 1
33	Primary Metal Industries	-16,335	-1.1	- 1,681	- 1	- 2,142	- 3	+ 2,141	+ 3	+ 3,511	+ 3	+ 9,322	+ 5	+ 26,384	+ 2
34	Fabricated Metal Products	+ 1,292	+ 1	+ 2,660	+ 1	+ 8,399	+1.0	+ 231	*	+ 3,254	- 2	+ 2,373	+ 4	+ 70,877	+ 4
35	Machinery (except Electrical)	- 6,502	- 4	+19,592	+1.0	+ 556	+ 1	- 5,473	- 8	+14,277	+1.0	- 1,248	- 2	+105,933	+ 6
36	Electrical Machinery	+ 3,185	+ 2	+14,870	+ 8	+20,324	+2.5	+12,103	+1.7	+ 252	*	- 2,574	+ 4	+204,743	+1.2
37	Transportation Equipment	+ 7,576	+ 5	+15,417	+ 8	+ 7,786	+ 9	- 1,887	- 3	+11,355	+3.0	- 3,298	- 5	+300,875	+1.8
38	Professional and Scientific Instruments	+ 1,176	+ 1	+ 8,596	+ 4	+ 5,551	- 7	+ 3,215	+ 4	- 32	*	+ 1,027	+ 2	+ 48,367	+ 3
39	Miscellaneous Manufacturing Industries	+ 2,673	+ 2	+ 7,801	+ 4	- 5,434	- 7	+ 1,883	+ 3	+ 5,395	+ 4	+ 607	+ 1	+ 45,813	+ 3
	All Manufacturing ¹	-37,083	-2.4	+31,908	+1.7	+22,331	+2.7	-22,724	-3.2	+59,355	+4.3	+ 7,839	+1.3	+893,886	+5.3

¹ Industries "Ordnance and Accessories" (19) and "Tobacco Manufacturing" (21) are excluded, because some state data were not disclosed; these industries were included in "All manufacturing"; employment changes for these two industries in Pennsylvania were +4,832 and -2,395, respectively.² Changes of unemployment insurance laws in respect to minimum size of establishment covered during the period 1951-1956 were considered to have only negligible effects on net changes in employment.³ United States includes Alaska and Hawaii.⁴ Less than .05 percent.

Note: Employment changes are based on averages of the pay periods nearest the fifteenth of March, May, August, and November, of employees covered by state employment insurance laws.

SOURCE: Adapted from data published in "Employment and Wages of Workers Covered by State Unemployment Insurance Laws," Quarterly Issues, 1951 and 1956, United States Bureau of Employment Security.

Appendix Table 7

MINING EMPLOYMENT COVERED BY THE PENNSYLVANIA COMPENSATION LAW,
BY PRODUCT MINED, 1951-1956

Year	All Mining	Anthracite Coal	Bituminous and Lignite Coal	Crude Petroleum and Natural Gas	Quarrying and Nonmetallic Products	Metals
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Average Employment ¹						
1951	171,780	69,570	87,256	7,148	6,995	811
1952	155,802	63,670	77,006	7,270	6,976	880
1953	137,028	54,202	68,289	6,819	6,865	853
1954	105,561	38,915	52,921	5,900	6,636	1,189
1955	93,254	31,536	48,771	5,233	6,542	1,172
1956	93,029	29,607	49,994	5,525	6,719	1,184
Change, 1951-1956						
Number of Employees	— 78,751	— 39,963	— 37,262	— 1,623	— 276	+ 373
Percent	— 45.8%	— 57.4%	— 42.7%	— 22.7%	— 4.0%	+ 46.0%

¹ Averages of employment counts in the pay periods ending nearest the fifteenth of March, May, August and November.

SOURCE: Adapted from data published in "Employment and Wages of Workers Covered by State Unemployment Insurance Laws," Quarterly Issues, 1951 and 1956, United States Bureau of Employment Security.

Appendix Table 8

PERCENTAGE CHANGE FROM AVERAGE COVERED EMPLOYMENT, MARCH 1953 AND MARCH 1956 TO AVERAGE COVERED EMPLOYMENT, MARCH 1954 AND 1955; PERCENTAGES OF TOTAL COVERED EMPLOYMENT 1956 IN CYCLE-SENSITIVE INDUSTRIES, AND IN INDUSTRIES OTHER THAN MINING AND MANUFACTURING, BY PENNSYLVANIA LABOR MARKETS

[Cycle-Sensitive Industries Were Defined as Primary Metals, Machinery (Except Electrical), Transportation Equipment and Bituminous Coal Industries]

Labor Market	Percentage Change in Average Employment, From March 1953 and March 1956 to March 1954 and March 1955	Percentage of Total Covered Employment, March 1956	
		Cycle-Sensitive Industries	Industries Other Than Mining and Manufacturing
(1)	(2)	(3)	(4)
Indiana	13.3%	37.2%	40.3%
Huntingdon	11.0	1.3	42.6
Johnstown	10.0	48.6	38.2
Warren	8.8	18.0	42.9
New Castle	8.7	30.5	42.1
Lewistown	8.4	20.7	38.1
Sharon-Farrell	8.3	38.8	32.8
Lock Haven	8.0	21.0	32.6
Uniontown	7.8	20.4	52.9

Oil City	7.5	26.9	40.6
Armstrong	7.4	7.6	39.6
Erie	7.3	29.4	40.0
Clarion	7.2	11.0	51.6
Clearfield	7.1	15.6	45.4
Wilkes-Barre	6.5	3.6	40.7
Altoona	6.4	2.2	59.5
Allentown	6.4	23.4	36.9
Williamsport	6.2	19.3	36.1
Pittsburgh	5.9	30.0	47.4
St. Marys	5.9	2.9	22.9
Honesdale	5.6	8.3	39.6
Sunbury	5.6	11.7	38.6
Bradford	5.3	11.1	36.4
Pottsville	5.2	9.8	32.1
Waynesburg	5.2	63.6	28.6
Lebanon	5.1	17.3	37.6
Chambersburg	4.8	25.3	45.5
Butler	4.4	30.5	47.3
Sayre-Towanda	4.2	28.9	40.8
Harrisburg	4.2	14.0	59.9
Reading	3.7	19.8	39.1
Newport	3.4	.5	61.3
Lancaster	3.0	9.2	41.2
Scranton	2.6	1.4	42.9
Philadelphia	2.5	9.0	54.5
Bedford	2.3	1.5	76.9
Wellsboro	1.8	9.7	43.2
York	1.7	13.2	37.8
Montrose	1.2	5.8	46.4
E. Stroudsburg	.6	8.1	55.3
PENNSYLVANIA ..	4.6	17.5	47.6

SOURCE: Adapted from data furnished by the Pennsylvania Department of Labor and Industry, Bureau of Employment Security.

Appendix Table 9

PERCENTAGE RATIO, NUMBER OF UNEMPLOYED RECEIVING UNEMPLOYMENT COMPENSATION TO TOTAL COVERED LABOR FORCE, EMPLOYED PLUS UNEMPLOYED RECEIVING COMPENSATION, AVERAGED FOR MARCH 1953, 1956 AND 1957; AND EMPLOYMENT IN TEXTILES AND COAL MINING INDUSTRIES AS PERCENTAGES OF TOTAL COVERED EMPLOYMENT, 1956, BY PENNSYLVANIA LABOR MARKETS

Labor Market (1)	Unemployment Ratio (2)	Percentage of Total Covered Employment, March 1956		
		Coal Mining (3)	Textiles (4)	Coal Mining and Textiles (5)
Lancaster	1.9%	0. %	11.4%	11.4%
Sharon-Farrell	2.0	.6	0	.6
Allentown	2.2	*	5.0	5.0
Harrisburg	2.2	.1	1.6	1.7
Warren	2.3	0	0	0
New Castle	2.9	.8	.7	1.5
Butler	3.1	2.5	.1	2.6
Pittsburgh	3.2	2.6	.1	2.6
Lebanon	3.2	*	5.0	5.0
Reading	3.4	*	15.5	15.5
York	3.5	*	4.0	4.1
Williamsport	3.5	*	6.8	6.8
Philadelphia	3.6	*	4.1	4.1
St. Marys	3.9	1.8	0	1.8
Erie	4.1	*	0	*
Bradford	4.4	.2	0	.2
Oil City	4.5	.4	.1	.4
Altoona	4.9	.6	4.0	4.7
Lewistown	5.0	0	.5	.5
Lock Haven	5.2	.5	3.2	3.7
Chambersburg	5.3	0	2.2	2.2
Johnstown	5.7	18.7	*	18.7
E. Stroudsburg	5.9	0	3.9	3.9
Waynesburg	5.9	63.5	0	63.5
Clearfield	6.1	10.1	.9	11.0
Sayre-Towanda	6.2	.1	1.8	1.9
Indiana	6.3	28.7	0	28.7
Newport	6.4	0	*	*
Huntingdon	6.5	1.3	14.2	15.5
Armstrong	7.0	7.3	0	7.3
Wellsboro	7.0	1.0	1.0	2.0
Sunbury	8.3	5.7	10.2	15.9
Scranton	8.7	7.8	6.2	14.0
Clarion	9.0	11.0	0	11.0
Wilkes-Barre	9.6	14.4	4.9	19.3
Pottsville	10.2	15.4	6.0	21.4
Honesdale	10.4	0	3.6	3.6
Montrose	10.9	0	.9	.9
Uniontown	11.1	18.5	.7	19.2
Bedford	14.5	1.5	0	1.5
PENNSYLVANIA	4.1	2.6	3.3	6.0

PENNSYLVANIA LABOR MARKETS BY COUNTIES

Labor Market	Counties
Allentown	Lehigh, Northampton
Altoona	Blair
Bedford	Bedford
Bradford	McKean
Butler	Butler
Chambersburg	Franklin, Fulton
Clarion	Clarion
Clearfield	Clearfield, Jefferson, Centre
East Stroudsburg	Monroe, Pike
Erie	Erie
Harrisburg	Cumberland, Dauphin
Honesdale	Wayne
Huntingdon	Huntingdon
Indiana	Indiana
Johnstown	Cambria, Somerset
Armstrong	Armstrong
Lancaster	Lancaster
Lebanon	Lebanon
Lewistown	Mifflin, Juniata
Lock Haven	Clinton
Montrose	Susquehanna, Wyoming
New Castle	Lawrence
Newport	Perry
Oil City	Venango, Crawford, Forest
Philadelphia	Chester, Bucks, Montgomery, Philadelphia, Delaware
Pittsburgh	Allegheny, Beaver, Washington, Westmoreland
Pottsville	Schuylkill, Carbon
Reading	Berks
Sayre-Towanda	Bradford, Sullivan
Scranton	Lackawanna
Sharon-Farrell	Mercer
St. Marys	Elk, Cameron
Sunbury	Union, Snyder, Northumberland, Columbia, Montour
Uniontown	Fayette
Warren	Warren
Waynesburg	Greene
Wellsboro	Potter, Tioga
Wilkes-Barre	Luzerne
Williamsport	Lycoming
York	York, Adams

Note: These labor markets do not necessarily conform to the Pennsylvania Bureau of Employment Security definition. Labor markets in this report conform with county boundaries.

* Less than .05 percent.

SOURCE: Adapted from data furnished by the Pennsylvania Department of Labor and Industry, Bureau of Employment Security.

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